

*United States Court of Appeals
for the Second Circuit*



APPENDIX

B
PMS

75-1149

United States Court of Appeals
FOR THE SECOND CIRCUIT

Docket No. 75-1149

—○—

UNITED STATES OF AMERICA

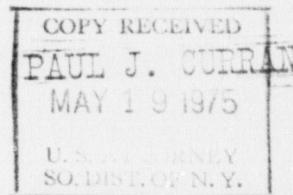
Appellee,

—against—

VINCENT PACELLI, JR.

Appellant.

APPENDIX, VOLUME ONE



STEVEN B. DUKE
PIERCE O'DONNELL
Attorneys for Appellant Pacelli
127 Wall Street
New Haven, Conn.
(203) 436-3610



5

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

001

UNITED STATES OF AMERICA

-v-

VINCENT PACELLI,

Defendant.

INDICTMENT

73 Cr. 105

The Grand Jury charges:

From on or about the 4th day of February, 1972 up to and including the 11th day of February, 1972, in the Southern District of New York, VINCENT PACELLI, the defendant, and Barry Lipsky, named herein as a co-conspirator but not as a defendant, and others to the Grand Jury known and unknown, unlawfully, willfully and knowingly did combine, conspire, confederate and agree together and with each other to injure, oppress, threaten and intimidate one Patsy Parks, a citizen of the United States of America, in the free exercise and enjoyment of a right and privilege secured to her by the Constitution and Laws of the United States and because of her having exercised said right and privilege, to wit, the right and privilege to give information to the proper authorities concerning violations of the narcotics laws of the United States, and the right and privilege to be a witness in a judicial proceeding in the United States District Court, to wit, the case of United States v. Vincent Pacelli et al., 71 Cr. 614, thereby causing the death of said Patsy Parks.

It was part of the plan and purpose of said conspiracy that defendant VINCENT PACELLI and co-conspirator Barry Lipsky, on or about February 4, 1972, would transport Patsy Parks in an automobile for the purpose of interfering with her anticipated testimony in the case of United States v. Vincent Pacelli et al., 71 Cr. 614, a matter then pending before the United States District Court for the Southern District of New York.

(Title 18, United States Code, Section 241.)

Jr:rs
619

COUNT TWO

The Grand Jury further charges:

On or about the 4th day of February, 1972, in the Southern District of New York, VINCENT PACELLI, the defendant, unlawfully, wilfully and knowingly, and by threats and force, did endeavor to influence, intimidate and impede one Patsy Parks, who was to appear as a witness [for the United States] in the case of United States v. Vincent Pacelli et al., 71 Cr. 614, in the District Court for the Southern District of New York, and did injure said Patsy Parks in her person on account of her having attended as a witness and having ~~been~~ ^{been} testified before a Grand Jury duly impaneled by said Court in a matter pending therein, to wit, a narcotics investigation involving defendant VINCENT PACELLI.

(Title 18, United States Code, Section 1503.)

Foreman

WHITNEY NORTH SEYMOUR, JR.
United States Attorney

WMP, JR:as
72-2619

003

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA :

-v-

VINCENT PACELLI, JR., :

Defendant. :

BILL OF PARTICULARS

73 Cr. 105

-----X
SIRS:

The United States of America, as and for its Bill of Particulars, heretofore ordered by the Court and consented to by the Government, alleges as follows:

Count One

1. The approximate dates on which the conspiracy was formed and terminated are February 4, 1972 and February 12, 1972.

2. The conspiracy took place in New York City, New Rochelle and Nassau County, all in the State of New York.

3. The names of other conspirators known to the Government are: Al Bracer, Barbara Jalaba and Everly Jalaba. The addresses of these persons are unknown to the Government.

4. The manner and means by which defendant Pacelli and the co-conspirators conspired to injure and oppress Patsy Parks was to kill her by stabbing. (Paragraphs 8 through 11 of defendant's motion papers.)

5. Paragraphs 12 through 20 of defendant's motion. The defendant stabbed Patsy Parks to death in Massapequa,

New York. Both the defendant and co-conspirator Barry Lipsky neither threatened nor intimidated Patsy Parks.

6. Paragraphs 25 through 27 of defendant's motion papers - Prior to the formation of the conspiracy, Patsy Parks had given information to a federal grand jury concerning violations of the narcotics laws. The defendant and co-conspirators knew of Patsy Parks' appearance before the Grand Jury. The substance of the information given by her related to cocaine transactions involving Vincent Pacelli, Jr. and others.

7. Paragraph 44 of defendant's motion papers - Pacelli anticipated Patsy Parks' testimony.

8. Paragraph 45 of defendant's motion papers - The conspirators planned to kill Patsy Parks, thus interfering with her proposed testimony.

9. Paragraphs 46 through 51 of defendant's motion papers - Barry Lipsky was in no way employed by the Government during the conspiracy, nor was there any understanding or agreement between Lipsky and the Government relating to Lipsky's supplying information to law enforcement authorities.

10. Paragraphs 52 and 53 of defendant's motion papers - The purpose of the conspiracy was to violate Patsy Parks' civil rights and obstruct justice by killing Patsy Parks. This killing was done by stabbing in the early morning hours of February 4, 1972 in Massapequa, New York.

Count Two

11. Paragraphs 56 through 67 of defendant's motion papers - The threats, force and intimidation of Patsy Parks occurred in Massapequa, New York, and their nature consisted of killing Miss Parks by stabbing. The defendant was the one who actually stabbed Miss Parks to death, and used a knife to accomplish the killing. The defendant was endeavoring to prevent Miss Parks from testifying against him at his upcoming narcotics trial.

12. Paragraph 69 of defendant's motion papers - Patsy Parks was to appear as a Government witness in a federal narcotics case being prosecuted by the United States.

13. Paragraph 73 of defendant's motion papers - The defendant injured Patsy Parks by stabbing her in an automobile in Massapequa, New York.

14. Paragraphs 74 and 75 of defendant's motion papers - Patsy Parks testified before the Grand Jury on May 27, 1971, and the substance of her testimony related to cocaine transactions involving Vincent Pacelli, Jr. and others.

15. Paragraph 76 of defendant's motion papers - Pacelli was informed by Patsy Parks herself that a Deputy United States Marshal had attempted to serve her with a subpoena to appear at his trial.

16. Paragraph 78 of defendant's motion papers - It will be claimed that the defendant injured Patsy Parks

006

WMP, JR:AS
72-2619

both as punishment for having testified before the Grand Jury and in order to prevent her from testifying at his narcotics trial.

Dated: New York, New York
April 20, 1973

Yours, etc.

WHITNEY NORTH SEYMOUR, JR.
United States Attorney for the
Southern District of New York
Attorney for United States of
America
Office and Post Office Address
United States Courthouse
Foley Square
New York, New York 10007

To: JOSEPH J. BALLIRO
44 School Street
Boston, Mass.

By: _____
WALTER M. PHILLIPS, JR.
Assistant U. S. Attorney

NICHOLAS L. CASTELLANO
100 East Old Country Road
Mineola, New York

007

CRIMINAL DOCKET
UNITED STATES DISTRICT COURT

JUDGE GAGLIARDI

D. C. Form No. 100 Rev.

TITLE OF CASE

THE UNITED STATES

vs.

VINCENT RACELLI

2-28-75

73 CRIM. 105

ATTORNEYS

For U. S.: 264-6345

WALTER M. PHILLIPS, JR. AUSA

For Defendant:

Patrick Wall - Steven Dike
36 W. 44th St., N.Y. 286-6388
100-36

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed	Clerk	1-31-73	Racelle	5	
J.S. 3 mailed	Marshal	2-1/73	Racelle	5	
Motion comp. #72-2619	Docket fee	2-1/73	Racelle	5	
Title 18					
Sec. 241 Civil rights viol. (ct.1)					
1503 obstruction of justice (ct.2)					

TWO EVENTS

PROCEEDINGS

DATE	PROCEEDINGS
1-31-73	Filed Indictment (related to 72 CR 664, 72 CR 1319 and 71 Cr 611) assigned to Judge Gagliardi - (open) (closed)
1-31-73	Filed affidavit for writ of habeas corpus, writ issued ret4-5-73.
2-5-73	Deft. produced on writ - no Attorney. All matters adj. to 2-6-73 at 2:15 P.M.
2-6-73	Deft. produced on writ (Atty. Stanley Arkin present for arraignment only). Deft. pleads not guilty. Writ adj. to 2-13-73 at 10 A.M. Bail fixed at \$100,000. cash or surety. 10 days for motions. Case re-assigned to Judge Tenney. -- Tyler, J.
2-13-73	Deft., prodeuced on a writ. (atty. not present) Writ adjourned to 2-20-73 at 10 A.M. Tenney, J.

(over)

5-20-73 Deft. (atty. present) Deft. produced on writ. 20 days for motions. Writ adjourned to 4-30-73 at 10 A.M. - Tenney, J.

2-27-73 Pacilli- Filed notice of appearance by atty Joseph Balliro 44 School St. Suite 406 Boston Mass. 617-227-5822 617-227-4006.

3-12-73 Pacelli-Filed motion to strike Prejudicial surplusage.

3-12-73 Pacelli-Filed memorandum of law in support of motion to strike Prejudicial surplusage.

3-12-73 Pacelli-Filed motion for production of Grand Jury minutes and statements of Barry Lipsky

3-12-73 Pacelli-Filed memorandum of law in support of motion for production of g minutes and statements of Barry Lipsky.

3-12-73 Pacelli-Filed motion for bill of particulars.

3-12-73 Pacelli-Filed memorandum of law in support of motion for bill of particulars.

3-12-73 Pacelli-Filed memorandum motion to dismiss indictment.

3-12-73 Pacelli-Filed memorandum of law in support of motion to dismiss indictment.

3-12-73 Pacelli-Filed motion to disqualify prosecutor.

3-12-73 Pacelli-Filed memorandum of law in support of motion to disqualify prosecutor.

3-12-73 Pacelli-Filed motion for transfer on the ground of prejudice.

3-12-73 Pacelli-Filed memorandum of law in support of motion for transfer on ground of prejudice.

3-12-73 Pacelli-Filed motion for psychiatric examination of Barry Lipsky.

3-12-73 Pacelli-Filed memorandum of law in support of motion for psychiatric examination of Barry Lipsky.

3-12-73 Pacelli-Filed motion for discovery and inspection.

3-12-73 Pacelli-Filed memorandum of law in support of motion for discovery and inspection.

3-12-73 Pacelli-Filed motion for production of witnesses for interview.

3-12-73 Pacelli-Filed memorandum of law in support of production of witnesses for interview.

3-16-73 Pacelli-Filed Govt's affidavit.

3-16-73 Pacelli-Filed Govt's memorandum of law.

4-20-73 Filed Bill of Particulars.

4-19-73 Pacelli-Filed Opinion # 39420 dtd. 4-18-73 Granted in part and denied in part, on motions to dismiss, to transfer, disqualify the prosecutor etc. - Tenney, J.

4-26-73 PACELLI- Filed notice of motion for continuance and further discovery.

4-26-73 PACELLI- Filed memo endorsed on defendants motion for continuance and further discovery denying same. So ordered. - Tenney, J. (m/n)

4-26-73 Pacelli-Filed memorandum of law in support of motion for continuance.

4-30-73 Jury trial begun before Tenney, J.

5-1-73 Trial continued.

5-2-73 Trial continued.

5-3-73 Trial continued and concluded. Jury finds deft. guilty as charged. Pre-sentence investigation ordered. Sentence adjourned to 6-1-73. Deft. remanded. Writ adjourned until 6-1-73

6-28-74 Filed Notice of Appearance of Patrick Wall and Steven Duke

PROCEEDINGS

5-31-73	Pacelli- Filed notice of motion for judgment of acquittal
5-31-73	Pacelli- Filed notice of motion to strike testimony
5-31-73	Pacelli- Filed memorandum in support of motion to strike testimony.
5-31-73	Pacelli- Filed motion for a new trial
5-31-73	Pacelli- Filed memorandum in support of motion for a new trial.
5-31-73	Pacelli- Filed motion for production and in camera inspection of witness statements
6-1-73	VINCENT PACELLI - Filed Judgment(Atty. present, deft produced in Court pursuant to a Writ)the deft is committed to the custody of the Atty. Gen'l for imprisonment for LIFE on count 1, and FIVE YEARS on count 2, to run concurrently with each other, and CONSECUTIVELY with sentence imposed in indictment 71 Cr. 614. - Tenney, J. Entered 6-4-73-----
6-6-73	PACELLI- Filed memo endorsed on defendants notice of motion for a new trial: "Motion denied. So ordered. - Tenney, J." Filed memo endorsed on defendants memorandum in support of motion for a new trial: "Motion denied. So ordered. - Tenney, J." (n/n)
6-6-73	PACELLI- Filed memo endorsed on defendants motion to strike testimony: "Motion denied. So ordered. - Tenney, J." Filed memo endorsed on defendants memorandum in support of motion to strike testimony: "Motion denied. So ordered. - Tenney, J. (n/n)
6-6-73	PACELLI- Filed memo endorsed on defendants motion for judgment of acquittal: "Motion denied. So ordered. - Tenney, J." (n/n)
6-6-73	PACELLI- Filed memo endorsed on defendants motion for production and in camera inspection of witness statements: "Motion denied. So ordered. - Tenney, J. (n/n)
6-6-73	PACELLI- Filed notice of motion for extension of time to file motions.
6-13-73	VINCENT PACELLI. Filed Commitment & entered return, Deft. Delivered to the Warden, Federal Detention Facility, New York, N.Y.
6-13-73	VINCENT PACELLI- Filed writ of habeas corpus with Marshal's return-Writ Satisfied by --Tenney, J.
6-11-73	Filed notice of appeal to the USCA for the 2nd Circuit from the judgment of the USDC entered 6-1-73. \$5. pd. (mailed notices to the Atty. and deft.)
7-24-73	Vincent Pacelli Jr.- Filed order granting the deft time to transmit the record on appeal. So Ordered Tenney, J.
Aug 2-7	Filed stipulation designating exhibits for determining the appeal.
Aug 2-7	Filed stipulation that documents attached be transmitted as part of the record on appeal.

4-2-73	VINCENT PACELLI: FILED A NOTICE TO THE DOCKET CLERK: THE COMPLAINT AL RECORD HAS BEEN CERTIFIED AND TRANSMITTED TO THE U.S.C.A., SECOND CIRCUIT ON THIS DATE.
5/16/74	Filed true copy of order and opinion of the U.S.C.A. that the judgment of the district court is reversed and that the action be and it hereby is re- manded to the said dist. court for further proceedings in accordance with the opinion of this court. Clerk mailed copies. (case received)
6-12-74	Case reassigned to Stewart, J.
Jul- 2-74	Filed order that the trial in the action (VINCENT PACELLI) and the trial subp. previously issued therein is adj. to 10-7-74 - Stewart, J. VINCENT PACELLI/
Oct.29-74	Filed/Affidavit for Writ of Habeas Corpus Ad Prosequendum
Oct. 31-74	Filed Defts. Notice of Motion at a date set by the court, for an order dismissing indictment; for an order to submit to an examination; for an order disqualifying Barry Lipsky as witness etc.
Nov.8-74	Deft (atty. present) produced on writ. Counsel to advise Court of day set for trial (as agreed) Writ adjd. to 11/12/74 - STEWART, J.
Nov.12-74	Deft.(atty. present) produced on Writ. Trial set for 1/15/75 at 10AM. Writ adjd. to 1/15/75 - STEWART, J.
11-7-74	Filed Transcript of record of proceedings dated 9-23-74
12-6-74	Filed Deft's Motion disqualify Barry Lipsky as a Witness
June 19-74	(Received 12/12/74)--Filed Affidavit for Writ of Habeas Corpus Ad Prosequendum
7-24-74	(Received 12/12/74 — Filed Order that the tapes of conversations dtd 3/13/ 4/6, the two of 4/10,4/11,5/2 and 5/23,1972 sealed by order of this Court be unsealed. GAGLIARDI, J.
12-18-74	Filed Govt. Affidavit in support of Government's request for the issuance of a warrant for the apprehension of Michael Elazat a material witness in this case.
12-20-74	Filed Government's Memorandum of Law in opposition to Deft's. Motion for Relief before trial.
12-20-74	Filed Govt. Affidavit in opposition to deft's several motions for relief before trial
1-9-75	Filed defts. affdt. and notice of motion for disclosure of location of witnesses or produce same for interview, (ret. on: date to be fixed by Court)
1-9-75	Filed defts. memorandum in support of above motion for disclosure.
1-9-75	Filed defts. affdt. and notice of motion for discovery, ret. on: date to be fixed by court).
1-15-75	Filed one envelope sealed by order of the court and not to be opened until furhter order and placed in vault in Casner's office in Rm.602.
01-15-75	Deft. produced on writ. Pre trial conference held. Trial set for Jan. 20,1975 at 10am. Writ adj. to 1/20/75,at 10am Stewart, J.

see Pg. -5-

JSA VS PACELLI

73cr.105

D.C. 110 Rev X Court Continuation

Page -5-

STEWART, J.

DATE	PROCEEDINGS	Date Order Judgment N
1-23-75	Filed one sealed envelope(court exhibit#6) and impounded in vault, in Cashier's office, Rm.602 and not to be opened until further order of this court. So ordered, Stewart, J.	
1-27-75	Filed govts. affdt. of James Nesland.	
-28-75	Filed writ to produce Michael Elazat, a witness on Dec. 18, 1974. Stewart, J. and writ satisfied on 1/19/75.	
-20-75	Jury empaneled and trial begun. Deft. produced on a writ and adj. for every trial date. Stewart, J.	
01-21-75	Trial contd.	
1-22-75	Trial contd.	
1-23-75	Trial contd.	
1-24-75	Trial contd.	
1-27-75	Trial contd.	
1-28-75	Trial contd.	
1-29-75	Trial Contd.	
-30-75	Trial contd.	
-31-75	Trial contd. and concluded. Jury finds the deft. GUILTY on each of counts 1 and 2 as charged in the indictment. Court directs an up date on Pre-Sentence Investigation. Sentence adj. to Feb. 28, 1975 at 9:30am. Deft. remanded on this indictment also. Stewart, J. (remain to marshals office)	
-26-75	Filed deft's memorandum and notice of motion for a new trial.	
-03-75	Filed Governments memorandum respecting the sentencing of deft.	
-04-75	Filed Governments request to charge	
-04-75	Filed deft's request to charge	
-04-75	Filed deft's trial memorandum concerning the Govt's trial memoranda and other matters	
-04-75	Filed Govt's trial memorandum I	
-04-75	Filed Govt's trial memorandum II	
-04-75	Filed Govt's trial memorandum III	
04-75	Filed Govt's trial memorandum V	
-04-75	Filed Govt's trial memorandum VI	
-04-75	Filed Govt's trial memorandum VII	
-04-75	Filed Govt's trial memorandum submitted in support of its offer into evidence of certain statement made by the deft. (IX)	

047

e-11-2

2. Mammals - I found bird feathers on the surface of the ground. A dove feather was the most prominent.

0 3. Insect life - I found a few good specimens of beetles and ants.

4. Fish - There were many small fish in the water. The water was healthy. I stopped the boat at the first place and entered the water and washed my feet in the water.

5. Birds - I saw 10 or 12 birds and some of the birds were very large. One bird flew off the boat and took the gull-like flight & gave him time to pause the most over long time. All four crows and the same he had his all right and comes so well I think the birds are

to the right of the center line.

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6 ABOVE OVER TO R.D.

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M - 10 and 11

N - 10 and 11

O - 10 and 11

P - 10 and 11

PRESENT POSITION - Standing at a standstill.

LINE 1 AND NO PROGRESSION IN RATE, BUT NOT DUE TO

PURELY PHYSICAL FAULTS WHICH ARE THE SAME AS

WE GET DOWN TO THE SAME RATE, BUT AT THE END OF

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016

Excellence in the field of engineering and technology.

This is the place where the motto of our company is:

Passion for Quality, Integrity and Excellence.

It is also the place where we have been able to maintain our quality standards.

Our mission is to provide the best quality products and services.

We are committed to our customers and our employees.

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We are committed to our customers and our employees.

We are committed to our customers and our employees.

1) The following is a brief history of the last and my present company.

2) The following is a brief history of the last and my present company.

3) The following is a brief history of the last and my present company.

4) The following is a brief history of the last and my present company.

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14) The following is a brief history of the last and my present company.

15) The following is a brief history of the last and my present company.

16) The following is a brief history of the last and my present company.

17) The following is a brief history of the last and my present company.

18) The following is a brief history of the last and my present company.

Ex B

Believe it. See so.

THIS IS THE END.

I am a student of the University of California.

Believe it. See so.

THIS IS THE END.

I am a student of the University of California.

THIS IS THE END.

I am a student of the University of California.

I am a student of the University of California. I am a student of the University of California.

I am a student of the University of California. I am a student of the University of California.

I am a student of the University of California. I am a student of the University of California.

I am a student of the University of California. I am a student of the University of California.

2000. The second was the "Keweenaw" which reported to

the same port and was also engaged in the same business.

The "Keweenaw" was built at Duluth in 1875 and was 150 feet long by 30 feet wide. She had a tonnage of 1000 tons and was owned by the "Keweenaw" Company.

She was a double bottomed ship and was built for the express purpose of carrying iron ore from the Keweenaw Peninsula to the Lake Superior ports.

On the 1st day of November 1875 she left the dock.

At 10:30 AM she was about 10 miles off the coast of Michi-

gan when she struck a rock and sprung a hole in her side. She was unable to get away from the rock and was soon taken down by the water. She was a double bottomed ship and the water soon filled both compartments.

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She was a double bottomed ship and the water soon filled both compartments.

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She was a double bottomed ship and the water soon filled both compartments.

She was a double bottomed ship and the water soon filled both compartments.

She was a double bottomed ship and the water soon filled both compartments.

67

REFERENCES AND NOTES

137

THEORY OF COUPLES

Long-term

SIT DOWN & TALK WITH ME

KNOWS A LOT OF STUFF

BUT HE'S NOT A DOG

DOESN'T KNOW ANYTHING

CAN'T TALK TO HIM

VISITORS DON'T WANT TO TALK

T

RECORDED BY - GENEVA LINDNER

18 X 9

120

RECEIVED - DA INVESTIGATOR'S OFFICE - WASHINGTON, D.C.

RECORDED - DA INVESTIGATOR'S OFFICE - WASHINGTON, D.C.

SEARCHED - DA INVESTIGATOR'S OFFICE - WASHINGTON, D.C.

INDEXED - DA INVESTIGATOR'S OFFICE - WASHINGTON, D.C.

FILED - DA INVESTIGATOR'S OFFICE - WASHINGTON, D.C.

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THERAPY FOR ANXIETY DISORDERS

in the treatment of anxiety disorders.

It is important to remember that the

therapist's own anxiety can interfere with

the therapeutic process and must be ad-

dresssed by the therapist in order to be

effective. The therapist's own anxiety

can be addressed by the therapist's own

anxiety can be addressed by the therapist's

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A. THEORETICAL CONSIDERATIONS

1. Theoretical Considerations

It is well known that the theory of the two-phase flow in a porous medium can be derived from the theory of the single-phase flow in a porous medium by the substitution of the appropriate equations for the two-phase flow.

The theory of the two-phase flow in a porous medium can be derived from the theory of the single-phase flow in a porous medium by the substitution of the appropriate equations for the two-phase flow.

The theory of the two-phase flow in a porous medium can be derived from the theory of the single-phase flow in a porous medium by the substitution of the appropriate equations for the two-phase flow.

The theory of the two-phase flow in a porous medium can be derived from the theory of the single-phase flow in a porous medium by the substitution of the appropriate equations for the two-phase flow.

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The theory of the two-phase flow in a porous medium can be derived from the theory of the single-phase flow in a porous medium by the substitution of the appropriate equations for the two-phase flow.

The theory of the two-phase flow in a porous medium can be derived from the theory of the single-phase flow in a porous medium by the substitution of the appropriate equations for the two-phase flow.

846

1. G. - 100 mg. of 5-chloro-2-methyl-4-vinylpyridine was dissolved in 10 ml. of benzene and added dropwise to a suspension of 10 g. of 2,6-dichlorophenylhydrazine in 10 ml. of benzene.

2. H. - 500 mg. of 5-chloro-2-methyl-4-vinylpyridine was dissolved in 10 ml. of benzene and added dropwise to a suspension of 10 g. of 2,6-dichlorophenylhydrazine in 10 ml. of benzene.

3. I. - 500 mg. of 5-chloro-2-methyl-4-vinylpyridine was dissolved

4. J. - 500 mg. of 5-chloro-2-methyl-4-vinylpyridine was dissolved

5. K. - 500 mg. of 5-chloro-2-methyl-4-vinylpyridine was dissolved

6. L. - 500 mg. of 5-chloro-2-methyl-4-vinylpyridine was dissolved

7. M. - 500 mg. of 5-chloro-2-methyl-4-vinylpyridine was dissolved

8. N. - 500 mg. of 5-chloro-2-methyl-4-vinylpyridine was dissolved

9. O. - 500 mg. of 5-chloro-2-methyl-4-vinylpyridine was dissolved

10. P. - 500 mg. of 5-chloro-2-methyl-4-vinylpyridine was dissolved

11. Q. - 500 mg. of 5-chloro-2-methyl-4-vinylpyridine was dissolved

12. R. - 500 mg. of 5-chloro-2-methyl-4-vinylpyridine was dissolved

13. S. - 500 mg. of 5-chloro-2-methyl-4-vinylpyridine was dissolved

14. T. - 500 mg. of 5-chloro-2-methyl-4-vinylpyridine was dissolved

15. U. - 500 mg. of 5-chloro-2-methyl-4-vinylpyridine was dissolved

16. V. - 500 mg. of 5-chloro-2-methyl-4-vinylpyridine was dissolved

17. W. - 500 mg. of 5-chloro-2-methyl-4-vinylpyridine was dissolved

18. X. - 500 mg. of 5-chloro-2-methyl-4-vinylpyridine was dissolved

19. Y. - 500 mg. of 5-chloro-2-methyl-4-vinylpyridine was dissolved

20. Z. - 500 mg. of 5-chloro-2-methyl-4-vinylpyridine was dissolved

Lipsey

1960, Vol. 1, No. 1, pp. 1-12, 14-24, 26-36, 38-48, 50-56, 58-64, 66-72, 74-80, 82-88, 90-96, 98-104, 106-112, 114-120, 122-128, 130-136, 138-144, 146-152, 154-160, 162-168, 170-176, 178-184, 186-192, 194-196, 198-200, 202-204, 206-208, 210-212, 214-216, 218-220, 222-224, 226-228, 230-232, 234-236, 238-240, 242-244, 246-248, 250-252, 254-256, 258-260, 262-264, 266-268, 270-272, 274-276, 278-280, 282-284, 286-288, 290-292, 294-296, 298-300, 302-304, 306-308, 310-312, 314-316, 318-320, 322-324, 326-328, 330-332, 334-336, 338-340, 342-344, 346-348, 350-352, 354-356, 358-360, 362-364, 366-368, 370-372, 374-376, 378-380, 382-384, 386-388, 390-392, 394-396, 398-400, 402-404, 406-408, 410-412, 414-416, 418-420, 422-424, 426-428, 430-432, 434-436, 438-440, 442-444, 446-448, 450-452, 454-456, 458-460, 462-464, 466-468, 470-472, 474-476, 478-480, 482-484, 486-488, 490-492, 494-496, 498-500, 502-504, 506-508, 510-512, 514-516, 518-520, 522-524, 526-528, 530-532, 534-536, 538-540, 542-544, 546-548, 550-552, 554-556, 558-560, 562-564, 566-568, 570-572, 574-576, 578-580, 582-584, 586-588, 590-592, 594-596, 598-600, 602-604, 606-608, 610-612, 614-616, 618-620, 622-624, 626-628, 630-632, 634-636, 638-640, 642-644, 646-648, 650-652, 654-656, 658-660, 662-664, 666-668, 670-672, 674-676, 678-680, 682-684, 686-688, 690-692, 694-696, 698-700, 702-704, 706-708, 710-712, 714-716, 718-720, 722-724, 726-728, 730-732, 734-736, 738-740, 742-744, 746-748, 750-752, 754-756, 758-760, 762-764, 766-768, 770-772, 774-776, 778-780, 782-784, 786-788, 790-792, 794-796, 798-800, 802-804, 806-808, 810-812, 814-816, 818-820, 822-824, 826-828, 830-832, 834-836, 838-840, 842-844, 846-848, 850-852, 854-856, 858-860, 862-864, 866-868, 870-872, 874-876, 878-880, 882-884, 886-888, 890-892, 894-896, 898-900, 902-904, 906-908, 910-912, 914-916, 918-920, 922-924, 926-928, 930-932, 934-936, 938-940, 942-944, 946-948, 950-952, 954-956, 958-960, 962-964, 966-968, 970-972, 974-976, 978-980, 982-984, 986-988, 990-992, 994-996, 998-1000.

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100% COTTON

100% POLYESTER

100% POLYESTER - 100% COTTON

COTTON (100%)

the other hand, the same effect was not observed.

DISCUSSION

The results of this study indicate that

the amount of organic carbon in the soil

and the

amount of available manganese in the soil

are important

factors which influence manganese uptake by

the plant, and that the availability of manganese

in the soil is influenced by the factors mentioned above.

ACKNOWLEDGMENT

The author wishes to thank Dr. J. C. Linsky for his help in this work.

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By himself

stable?

He has been in the country about 10 days now.

He has not been able to get a job because he is not

able to speak English very well.

He has been staying at the Hotel New York.

He has been staying there because he does not have

any money and he has no place to stay.

He has been staying there because he does not have

any money and he has no place to stay.

He has been staying there because he does not have

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any money and he has no place to stay.

He has been staying there because he does not have

any money and he has no place to stay.

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11-6-6

INTRODUCTION

The present paper describes the results of a study of the effects of the presence of a small amount of water on the properties of a number of different types of polyesters. The polyesters studied were selected to represent a wide range of properties and structures. The properties measured were tensile strength, elongation at break, impact strength, and modulus of elasticity. The polyesters studied were selected to represent a wide range of properties and structures. The properties measured were tensile strength, elongation at break, impact strength, and modulus of elasticity. The polyesters studied were selected to represent a wide range of properties and structures. The properties measured were tensile strength, elongation at break, impact strength, and modulus of elasticity.

the first time in the history of the world, the people of the United States have been compelled to make a choice between two political parties.

The two parties are the Democratic party and the Republican party.

The Democratic party is the party of the working class.

The Republican party is the party of the capitalist class.

The Democratic party is the party of the working class.

The Republican party is the party of the capitalist class.

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The Democratic party is the party of the working class.

The Republican party is the party of the capitalist class.

The Democratic party is the party of the working class.

The Republican party is the party of the capitalist class.

2000'.

1000' - 1200'.

1000' - 1200'.

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1000' - 1200'.

1000' - 1200'.

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10. V. C. G. 1970-1971. Vol. 1.

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13. $\frac{1}{2} \cdot \frac{1}{2} = \frac{1}{4}$ $\frac{1}{2} \cdot \frac{1}{2} = \frac{1}{4}$ $\frac{1}{2} \cdot \frac{1}{2} = \frac{1}{4}$

10. *Leucosia* *leucostoma* *bimaculata* *Fabricius*

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ANSWER

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卷之三十一

Below midlevel, where the *Plantae* have been removed.

1. THE DOCUMENTATION

The first step in the documentation process is to identify the document.

The second step is to determine the purpose of the document.

The third step is to determine the audience for the document.

The fourth step is to determine the content of the document.

The fifth step is to determine the format of the document.

The sixth step is to determine the style of the document.

The seventh step is to determine the tone of the document.

The eighth step is to determine the purpose of the document.

The ninth step is to determine the audience for the document.

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The eleventh step is to determine the format of the document.

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The thirteenth step is to determine the tone of the document.

The fourteenth step is to determine the purpose of the document.

The fifteenth step is to determine the audience for the document.

The sixteenth step is to determine the content of the document.

The seventeenth step is to determine the format of the document.

The eighteenth step is to determine the style of the document.

The nineteenth step is to determine the tone of the document.

The twentieth step is to determine the purpose of the document.

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The twenty-second step is to determine the content of the document.

The twenty-third step is to determine the format of the document.

The twenty-fourth step is to determine the style of the document.

The twenty-fifth step is to determine the tone of the document.

INTERVIEW WITH MARY LEE

Q. Do you know if there was any particular reason why you did not go to the police?

A. No, I just didn't think it was important enough.

Q. Do you know if there was any particular reason why you did not go to the police?

A. No, I just didn't think it was important enough.

Q. Do you know if there was any particular reason why you did not go to the police?

A. No, I just didn't think it was important enough.

Q. Do you know if there was any particular reason why you did not go to the police?

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A. No, I just didn't think it was important enough.

Q. Do you know if there was any particular reason why you did not go to the police?

A. No, I just didn't think it was important enough.

Q. Do you know if there was any particular reason why you did not go to the police?

A. No, I just didn't think it was important enough.

3 TWO PAIR OF SMALL FISHES FROM THE
CROWN POINT.

4 A SMALL FISH FROM THE CROWN POINT.
NAME UNKNOWN.

5 A SMALL FISH FROM THE CROWN POINT.
NAME UNKNOWN.

6 A SMALL FISH FROM THE CROWN POINT.
NAME UNKNOWN.

7 A SMALL FISH FROM THE CROWN POINT.
NAME UNKNOWN.

8 A SMALL FISH FROM THE CROWN POINT.
NAME UNKNOWN.

9 A SMALL FISH FROM THE CROWN POINT.
NAME UNKNOWN.

10 A SMALL FISH FROM THE CROWN POINT.
NAME UNKNOWN.

Second Report

Report of the Committee on Education

It is the opinion of the Committee on Education that:

1. That the Board of Education be directed to make a study of the

present educational system and to submit recommendations for its

improvement, particularly in the field of secondary education.

2. That the Board of Education be directed to make a study of the

present educational system and to submit recommendations for its

improvement, particularly in the field of secondary education.

3. That the Board of Education be directed to make a study of the

present educational system and to submit recommendations for its

improvement, particularly in the field of secondary education.

4. That the Board of Education be directed to make a study of the

present educational system and to submit recommendations for its

improvement, particularly in the field of secondary education.

5. That the Board of Education be directed to make a study of the

present educational system and to submit recommendations for its

improvement, particularly in the field of secondary education.

THE FLOWERS

The flowers are produced in terminal cymes, which are branched and paniculate.

Flowers (2)

Flowers are white.

Flowers are produced in terminal cymes, which are branched and paniculate.

A single flower is shown in the figure. It has a pedicel and a bract.

Receptacle

The receptacle is the part of the flower stalk which bears the flower.

Receptacles are produced in terminal cymes, which are branched and paniculate.

Receptacles are produced in terminal cymes, which are branched and paniculate.

Perianth (2)

The perianth is the floral envelope, which consists of two whorls of bracts.

Bracts are produced in terminal cymes, which are branched and paniculate.

Bracts are produced in terminal cymes, which are branched and paniculate.

Bracts are produced in terminal cymes, which are branched and paniculate.

Bracts are produced in terminal cymes, which are branched and paniculate.

Bracts are produced in terminal cymes, which are branched and paniculate.

Bracts are produced in terminal cymes, which are branched and paniculate.

Bracts are produced in terminal cymes, which are branched and paniculate.

Bracts are produced in terminal cymes, which are branched and paniculate.

the first time, the author has been able to demonstrate that the β -adrenergic receptor is involved in the regulation of the heart rate by the sympathetic nervous system.

The results of this study indicate that the heart rate response to the sympathetic nervous system is mediated by the β -adrenergic receptor.

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Congress of the American Heart Association

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NON-ADULTIC THERAPEUTIC COMMUNITY FOR CHILDREN

BY ROBERT LINSKY, M.D., AND JAMES R. STONE, M.D.

From the Department of Pediatrics, University of California, Los Angeles, Calif.

CHILDREN WITH SEVERE BEHAVIOR PROBLEMS

IN A THERAPEUTIC COMMUNITY FOR CHILDREN

ROBERT LINSKY, M.D., AND JAMES R. STONE, M.D.

Department of Pediatrics, University of California, Los Angeles, Calif.

MENTAL PROBLEMS IN CHILDREN ARE OFTEN SEVERE

AND DIVERSIFIED

CHILDREN WITH SEVERE BEHAVIOR PROBLEMS ARE OFTEN SEVERE

AND DIVERSIFIED

THIS PAPER DISCUSSES THE MANAGEMENT OF THESE CHILDREN

IN A THERAPEUTIC COMMUNITY FOR CHILDREN

CHILDREN WITH SEVERE BEHAVIOR PROBLEMS ARE OFTEN SEVERE

AND DIVERSIFIED

CHILDREN WITH SEVERE BEHAVIOR PROBLEMS ARE OFTEN SEVERE

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CHILDREN WITH SEVERE BEHAVIOR PROBLEMS ARE OFTEN SEVERE

AND DIVERSIFIED

CHILDREN WITH SEVERE BEHAVIOR PROBLEMS ARE OFTEN SEVERE

AND DIVERSIFIED

CHILDREN WITH SEVERE BEHAVIOR PROBLEMS ARE OFTEN SEVERE

AND DIVERSIFIED

the first time in 1934, and again in 1935.

not to be overlooked is the fact that the author

is from the same place.

that he has been writing about the same place

for over 20 years, and that he has written about

nothing else, and that he has written about

1. *General*

2. *Specific*

3. *General* (cont'd.)

4. *Specific*

5. *General* (cont'd.)

6. *Specific*

7. *General* (cont'd.)

8. *Specific*

9. *General* (cont'd.)

10. *Specific*

11. *General* (cont'd.)

12. *Specific*

13. *General* (cont'd.)

14. *Specific*

15. *General* (cont'd.)

16. *Specific*

17. *General* (cont'd.)

18. *Specific*

19. *General* (cont'd.)

20. *Specific*

21. *General* (cont'd.)

22. *Specific*

23. *General* (cont'd.)

24. *Specific*

for the first time. The first time I saw it was in the fall of 1958.

It was a small, dark bird with a long, thin beak and a short tail.

It was seen in the same area where the first bird was seen.

The bird was seen again in the same area in the fall of 1959.

The bird was seen again in the same area in the fall of 1960.

The bird was seen again in the same area in the fall of 1961.

The bird was seen again in the same area in the fall of 1962.

The bird was seen again in the same area in the fall of 1963.

The bird was seen again in the same area in the fall of 1964.

The bird was seen again in the same area in the fall of 1965.

The bird was seen again in the same area in the fall of 1966.

The bird was seen again in the same area in the fall of 1967.

The bird was seen again in the same area in the fall of 1968.

The bird was seen again in the same area in the fall of 1969.

The bird was seen again in the same area in the fall of 1970.

The bird was seen again in the same area in the fall of 1971.

The bird was seen again in the same area in the fall of 1972.

The bird was seen again in the same area in the fall of 1973.

The bird was seen again in the same area in the fall of 1974.

The bird was seen again in the same area in the fall of 1975.

The bird was seen again in the same area in the fall of 1976.

The bird was seen again in the same area in the fall of 1977.

THEORY OF POLYMERIZATION AND POLYMERS

1. POLYMERIZATION OF VINYLIC COMPOUNDS

1.1. POLYMERIZATION OF VINYLIC MONOMERS

Monomers containing vinylidene groups are polymerized by a variety of methods.

1.1.1. Radical Polymerization. Radical polymerization of vinylidene monomers is

a well-known process.

1.1.2. Cationic Polymerization.

Cationic polymerization of vinylidene monomers has been reported by several

researchers.

1.1.3. Anionic Polymerization. Anionic polymerization of vinylidene monomers

has been reported by a few researchers.

1.1.4. Polymerization of Vinylidene Monomers by Radiation.

1.1.5. Polymerization of Vinylidene Monomers by Chemical Methods.

1.1.6. Polymerization of Vinylidene Monomers by Biological Methods.

1.1.7. Polymerization of Vinylidene Monomers by Thermal Methods.

1.1.8. Polymerization of Vinylidene Monomers by Photochemical Methods.

1.1.9. Polymerization of Vinylidene Monomers by Electrochemical Methods.

1.1.10. Polymerization of Vinylidene Monomers by Supercritical Fluids.

1.1.11. Polymerization of Vinylidene Monomers by Liquid Crystals.

1.1.12. Polymerization of Vinylidene Monomers by Metallocenes.

1.1.13. Polymerization of Vinylidene Monomers by Ziegler-Natta Catalysts.

1.1.14. Polymerization of Vinylidene Monomers by Organometallic Compounds.

1.1.15. Polymerization of Vinylidene Monomers by Enzymes.

1.1.16. Polymerization of Vinylidene Monomers by Bacteria.

1.1.17. Polymerization of Vinylidene Monomers by Fungi.

1. Introduction

2. Materials

3. Methods of Analysis

4. Results and Discussion

5. Summary

6. References

7. Acknowledgments

8. Author's Note

9. Notes

10. References Cited

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25. References Cited

and the first two were not included in the analysis because they did not contain any information about the effect of the intervention.

The first study was conducted by Linsky et al. (1982) in a rural area of Ontario, Canada.

The second study was conducted by Linsky et al. (1983) in a rural area of Ontario, Canada.

The third study was conducted by Linsky et al. (1984) in a rural area of Ontario, Canada.

The fourth study was conducted by Linsky et al. (1985) in a rural area of Ontario, Canada.

The fifth study was conducted by Linsky et al. (1986) in a rural area of Ontario, Canada.

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The seventh study was conducted by Linsky et al. (1988) in a rural area of Ontario, Canada.

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The fourteenth study was conducted by Linsky et al. (1995) in a rural area of Ontario, Canada.

The fifteenth study was conducted by Linsky et al. (1996) in a rural area of Ontario, Canada.

The sixteenth study was conducted by Linsky et al. (1997) in a rural area of Ontario, Canada.

The seventeenth study was conducted by Linsky et al. (1998) in a rural area of Ontario, Canada.

The eighteenth study was conducted by Linsky et al. (1999) in a rural area of Ontario, Canada.

The nineteenth study was conducted by Linsky et al. (2000) in a rural area of Ontario, Canada.

The twentieth study was conducted by Linsky et al. (2001) in a rural area of Ontario, Canada.

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2. Linsky, M. *J Am Chem Soc* 1950, 72, 100.

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7. Linsky, M. *J Am Chem Soc* 1950, 72, 100.

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21. Linsky, M. *J Am Chem Soc* 1950, 72, 100.

22. Linsky, M. *J Am Chem Soc* 1950, 72, 100.

23. Linsky, M. *J Am Chem Soc* 1950, 72, 100.

the first time in the history of the world, the number of people who have been educated beyond the primary school level has exceeded the number of those who have not. This is a remarkable achievement, but it is also a cause for concern. The education system has become so complex and expensive that it is difficult to ensure that all students receive a high-quality education. In addition, the education system has become so focused on standardized tests and grades that it has lost sight of the individual student and their unique needs. This has led to a disconnect between the education system and the real world, where students need to be able to think critically, solve problems, and work effectively in teams. To address these challenges, we must re-examine our education system and find ways to make it more effective and efficient. We must also ensure that all students have access to quality education, regardless of their background or socioeconomic status. Only then can we truly fulfill the promise of education to improve the lives of individuals and society as a whole.

Fig. 1. A 1000 Å thick film of polyisobutylene at 20°C.

500

1000 Å Polyisobutylene

1000 Å

1000 Å Polyisobutylene

the first time in the history of the world, the people of the United States have been compelled to make a choice between two political parties.

The question is, which party will you support?

It is a question that every voter must answer for himself.

It is a question that every voter must answer for himself.

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What's it?

Common name - common names - common names?

Common name - common names - common names?

Common name - common names - common names?

Important distinction in common names - what's it?

What's it?

Common name - common names - common names?

the first time. The second time, he was asked if he had any questions. He responded that he did not have any questions.

At the end of the interview, the subject was asked if he had any final comments. He responded that he did not have any final comments.

On the basis of the information obtained from this interview, it is recommended that the subject be charged with the offense of attempted robbery.

It is recommended that the subject be held in custody pending trial.

19.00% of the total energy consumed by the U.S. is from oil imports.

Oil imports are projected to increase to 40% of total energy imports by 2020.

Source:

U.S. Energy Information Administration

Source: EIA

2. NATIONWIDE

Source:

U.S. Energy Information Administration

Oil imports are projected to increase to 40% of total energy imports by 2020.

Oil imports are projected to increase to 40% of total energy imports by 2020.

Oil imports are projected to increase to 40% of total energy imports by 2020.

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Oil imports are projected to increase to 40% of total energy imports by 2020.

Oil imports are projected to increase to 40% of total energy imports by 2020.

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W. L. Lipsky and J. C. Goss

INTRODUCTION

The present paper describes a technique for the preparation of a series of thin-walled, hollow, porous polymeric microspheres.

The technique is based on the use of a two-phase system consisting of a

polymer solution dispersed in a liquid medium.

EXPERIMENTAL

Materials and Apparatus

Preparation of Microspheres

Microspheres were prepared by the following procedure:

Characterization of Microspheres

Morphology

Size Distribution

Porosity

Surface Area

Volume

Surface-to-Volume Ratio

Surface-to-Surface Ratio

Surface-to-Pore Ratio

Surface-to-Mass Ratio

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1. The first step in the process of socialization is birth.

2. The second step in the process of socialization is the family.

3. The third step in the process of socialization is the school.

4. The fourth step in the process of socialization is the church.

5. The fifth step in the process of socialization is the state.

6. The sixth step in the process of socialization is the mass media.

7. The seventh step in the process of socialization is the peer group.

8. The eighth step in the process of socialization is the world of work.

9. The ninth step in the process of socialization is the leisure time.

10. The tenth step in the process of socialization is the leisure time.

11. The eleventh step in the process of socialization is the leisure time.

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19. The nineteenth step in the process of socialization is the leisure time.

20. The twentieth step in the process of socialization is the leisure time.

21. The twenty-first step in the process of socialization is the leisure time.

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27. The twenty-seventh step in the process of socialization is the leisure time.

28. The twenty-eighth step in the process of socialization is the leisure time.

Boys' High School

BOYS' HIGH SCHOOL, NEW YORK CITY, 1927

1 because of his poor academic showing to enroll him at Admiral Farragut Academy, on Boca Ciega Bay in

1. *What is your name?*

John Lipsky

2. *What is your present occupation?*

Editor of the *New York Times* Sunday Magazine.

15

Editor of the *New York Times* Sunday Magazine.

Editor of the *New York Times* Sunday Magazine.

3. *Do you have any children?*

Yes, I have a son, Michael, who is 18 years old.

He is a student at the University of Michigan.

4. *How many hours do you work per day?*

I work about 12 hours a day.

On Saturday and Sunday,

I work about 10 hours a day.

On Saturday and Sunday,

I work about 10 hours a day.

On Saturday and Sunday,

I work about 10 hours a day.

On Saturday and Sunday,

I work about 10 hours a day.

On Saturday and Sunday,

I work about 10 hours a day.

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On Saturday and Sunday,

I work about 10 hours a day.

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LIPSKY

178/

<u>Name</u>	John C. H. Smith
<u>Sex</u>	M
<u>Age</u>	35
<u>Physical</u>	Good
<u>Marital</u>	Married
<u>Status</u>	Employed
<u>Education</u>	High School Graduate
<u>Father</u>	John C. H. Smith
<u>Mother</u>	Anna C. H. Smith
<u>Husband</u>	John C. H. Smith
<u>Wife</u>	Anna C. H. Smith
<u>Children</u>	None
<u>Siblings</u>	None
<u>Spouse</u>	Anna C. H. Smith
<u>Alimony</u>	None
<u>Liabilities</u>	None
<u>Type of</u>	None
<u>Possessions</u>	None
<u>Car</u>	None
<u>Bike</u>	None
<u>Boat</u>	None
<u>Other</u>	None

Public Health Service, U.S. Department of Health, Education, and Welfare

EXPLANATION OF FORM

This form is used by the Bureau of the National Research Council to record the results of a study or investigation.

The form is divided into two parts: Part I contains the title of the study, the names of the investigators, and the date of completion; Part II contains the results of the study.

Part I. Title and Date of Completion of Study

1. Title of the study: The effect of diet on the growth of the rat.
2. Name of investigator: Dr. John Doe, M.D.

3. Date of completion of study: 1964-01-01

4. Summary of results: The results of the study show that the diet has a significant effect on the growth of the rat. The rats fed the diet grew faster than those fed the control diet.

5. Conclusions: The conclusions of the study are that the diet has a significant effect on the growth of the rat. The rats fed the diet grew faster than those fed the control diet.

6. Recommendations: The recommendations of the study are that the diet be continued to be fed to the rats.

7. Acknowledgments: The acknowledgments of the study are that the study was funded by the National Institutes of Health.

8. References: The references of the study are that the study was funded by the National Institutes of Health.

9. Appendices: The appendices of the study are that the study was funded by the National Institutes of Health.

Frank J. Lefkay
Principal Probation Officer
Date
1/25/73

Frank J. Lefkay
Deputy Director of Probation

abc

CLAYTON, RONALD L.

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INTERVIEW WITH

Q. Now, you said you were in the United States in 1945, is that correct?

A. Yes.

Q. And you were in New York City at that time?

A. Yes.

Q. Now, did you go to the United States from Canada?

A. No.

Q. Well, where did you come from?

A. I came from England.

Q. Now, did you come to the United States in 1945?

A. No.

Q. When did you come to the United States?

A. In 1946.

Q. Now, did you come to the United States alone?

A. No.

Q. Who else was with you?

A. My wife, I had.

Q. Now, during your stay in the United States, did you ever go to the city of New York?

A. Yes.

Q. Now, did you go to the city of New York?

A. Yes.

Q. Now, did you ever see a man by the name of Vincent Pachetti, and

A. No.

Q. Now, did you ever see a man by the name of John Gotti?

A. No.

Q. Now, did you ever see a man by the name of James J. Hoffa?

A. No.

Q. Now, did you ever see a man by the name of James J. Hoffa?

A. No.

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WCC AL sheet

Principal Probation Officer - County Director of Probation

11:00
12/25/23

Q. OR WHAT WOULD YOU SAY?

A. I DON'T KNOW. I DON'T KNOW. I DON'T KNOW.

Q. DO YOU WANT TO TRY AND TELL ME WHAT YOU WOULD HAVE DONE IN THAT SITUATION?

A. I DON'T KNOW. I DON'T KNOW. I DON'T KNOW. I DON'T KNOW.

Q. DO YOU WANT TO TRY AND TELL ME WHAT YOU WOULD HAVE DONE IN THAT SITUATION?

A. I DON'T KNOW. I DON'T KNOW. I DON'T KNOW. I DON'T KNOW.

Q. DO YOU WANT TO TRY AND TELL ME WHAT YOU WOULD HAVE DONE IN THAT SITUATION?

A. I DON'T KNOW. I DON'T KNOW. I DON'T KNOW. I DON'T KNOW.

Q. DO YOU WANT TO TRY AND TELL ME WHAT YOU WOULD HAVE DONE IN THAT SITUATION?

A. I DON'T KNOW. I DON'T KNOW. I DON'T KNOW. I DON'T KNOW.

Q. DO YOU WANT TO TRY AND TELL ME WHAT YOU WOULD HAVE DONE IN THAT SITUATION?

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Q. DO YOU WANT TO TRY AND TELL ME WHAT YOU WOULD HAVE DONE IN THAT SITUATION?

A. I DON'T KNOW. I DON'T KNOW. I DON'T KNOW. I DON'T KNOW.

Q. DO YOU WANT TO TRY AND TELL ME WHAT YOU WOULD HAVE DONE IN THAT SITUATION?

A. I DON'T KNOW. I DON'T KNOW. I DON'T KNOW. I DON'T KNOW.

mathematical framework can be used

Journal of Health Politics, Policy and Law, Vol. 35, No. 3, June 2010
DOI 10.1215/03616878-35-3 © 2010 by The University of Chicago

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¹ See also the discussion of the relationship between the two in the section on "The Economics of the Environment."

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REFERENCES

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Lipsky-direct

194
0,000

2 concerning how the cab was going to be paid paid?

3 A. Yes. He said it was outside the cab, and 3
4 so that was a flat rate, so when I got in, he would say something like
5 "We fulfilled over the Service a Lecture and not to charge you
6 to be paid. \$12 or \$14, I don't know what exactly, and 7
7 I all right, whatever it is, just go ahead, drive,
8 driving to the station, and that's what he did.
9

10

11 THE DEFENDANT TESTIMONY, APPENDIX
12 1966 AND 1970 TRIALS, EXHIBIT 22
13 1970 TRIAL.

Contrary to the government's argument at 17, 18
pp. 4, the Second Circuit never ruled on this issue.
14 Nor were the tapes introduced
the appeal following the first trial. ~~The memorandum
offered in the first trial
tells of the same known to the trial in 1970.~~

Moreover, the Court of Appeals' decision in United States v.
Sperling, 463 F.2d, pp. 4-5 clearly does not hold such
evidence to be inadmissible. As that Court indicated, this
is a situation for the sound exercise of discretion.
19

Defendant submits that the evidence is admissible
20 at this trial. First, since the last trial -- indeed, since
21 the Sperling trial -- significant new evidence has come to
22 light which bears heavily on this matter and makes this
line of inquiry compelling. As part of the material recently
received from Lipsky's attorney, Walter Gwin, defendant ob-
tained²³ letter from Gwin to Lipsky dated June 1, 1972 (copy
attached hereto). In the letter Gwin describes a recent

1/21/70

1 lunch

Linsky-Clegg

B.L.C.

226

PM 38

Q Now how long do you say you can estimate,

A I can touch the Rennell lot

Q Now do you know the name of the man who was there?

A I don't recall his name.

Q Now do you know if he had any kind of identification?

A No.

Q Do you recall the name of the man who was there? He was a man who was at the mobile gas station that was closed. I am not sure there.

Q Now do you know the name of the man who was there?

A No.

Q Now do you know the name of the man who was there?

Q Now do you know the name of the man who was there?

A No.

Q Now do you know the name of the man who was there?

A Yes.

Q Now do you know the name of the man who was there?

A Yes.

Q Now do you know the name of the man who was there?

A No.

Q Now do you know the name of the man who was there?

A No.

Q Now do you know the name of the man who was there?

A No.

Q Now do you know the name of the man who was there?

A I climbed up sort of a step through a parking lot

parallel in the plot bounded or adjacent or perjury by

and was on some grass area under a window, and I picked

this witness against Parilli, this is a conduct which could

up some pebbles and tossed the pebbles up against a

clearly lead the witness to believe that such perjury might

22

1 A I don't know. I spoke to him.

2 Q window which was open at that time?

3 A I responded that I didn't know.

4 Q Do you know if he spoke to you again after that?

5 A That's all I can say.

6 Q Do you know if he spoke to you again after that?

7 A I responded that I didn't know.

8 Q After he left the window, did he speak to anyone else?

9 A I don't know. I think, the last man he spoke to was his wife.

10 Q Back and share with two words it hire out.

11 A I don't know what he did.

12 Q A "Yes" Beverly Pacelli had his friends?

13 A No.

14 Q Who is Beverly Pacelli?

15 A I have no idea who he is.

16 Q Do you know her maiden name?

17 A I have no idea.

18 Q And in April 1972 when Justice ran on the
19 newspaper, do you see Beverly Pacelli in the first
20 paragraph as the wife of Al Bracken upon Lipsky's
21 testimony?

22 A The absurdity of this proposition is manifest.
earlier as being one of Pacelli's narcotics partners?
If the defendant's position were to prevail, a defendant
frustrated by the witness and/or the prosecutor would be powerless
to prove it. What was said and done to Lipsky about his
prior perjury is as follows: I made a notation of this type, that I wanted to
to commit perjury and I went to an apartment
of 116 in Hudson Street, Manhattan, and I went to Lipsky's law office and he was

the following res.

11 A.D. 1968

Lipsey, Agent

12 Q. What do you know of this man?

13 A. I have been advised that the three ~~women~~ women who were with him at the time

14 were all prostitutes and that he was a pimp.

15 Q. And you say to the best of your memory, during

16 the night of the 15th, that you went to bed in the bedroom before you came

17 back into the house with Duccelli and you were there to go with Duccelli into his hotel room? If so, what happened?

18 Q. I am not sure exactly what did happen but said that

19 I did say something to Duccelli which I think might have been something like

20 "I'm sorry, I can't do this." I don't remember exactly what I said.

21 Q. You say you and Duccelli had some sort of arrangement to do with
Duccelli. Can you tell me what sort of arrangement this was?

22 Q. I am not sure exactly what did happen but said that

23 I did say something to Duccelli which I think might have been something like

24 "I'm sorry, I can't do this." I don't remember exactly what I said.

25 Q. I stay with him and he said, "Barry, do you want to go with

26 1140 19th Street, Bay Harbor Isle, apartment 22, Miami Beach,

Florida?"

Q. What did you say?

27 Q. I have been informed by the detective that I have a right to remain silent and that any statement I make

28 may be used against me in another proceeding if I do not have the

29 right to talk to a lawyer before answering my questions do?

30 Q. or to have an attorney appointed for me. Further, that if I

31 if I cannot afford to hire a lawyer one will be furnished

1 A. I think I came in about 10:30 P.M.
2 Q. When you first took沉淀物, did you come in a
3 car?
4 A. Yes.
5 Q. And what kind of a car was it?
6 A. It was a dark-colored Ford, a model, I can't remember,
7 but it had white plastic bumpers, white vinyl top, and white interior,
8 and a four-door model.
9 Q. Now, do you know who was driving the car?
10 A. No, I don't know his name, sir.
11 Q. Now, do you know if he had any passengers?
12 A. No, I don't know, sir. He didn't say if he had any or did
13 he have any passengers, or if he had any passengers.
14 Q. Now, do you know if he had any passengers?
15 A. No, I don't know, sir. He didn't say if he had any or did
16 he have any passengers, or if he had any passengers.
17 Q. Now, do you know if he had any passengers?
18 A. No, I don't know, sir. The best of my memory, he had it a couple of
19 tenths of a mile away from where he parked the car.
20 After I parked my car, I went to the window.
21 Q. Now, do you know if he had any passengers?
22 A. No, I don't know, sir. He was playing at the Peekam Theatre up Fifth
23 St. and Second Ave. Mr. Faedalis was over around eleven o'clock
24 and we took a cab to Yes, Hippopotamus located at 154 E. 34th
25 St., Manhattan. Q. Do you remember anything concerning the license
passenger and time of car and eleven thirty pm.
We went into the big room on the 14th floor, there was a
discotheque, and one of the sets was set back and the door plates numbers were
recognized.

BOSTON, MASS.

231

Q When you got off the bus at the station, [REDACTED]

Q You went over to the gas station and you went into the gas station?

A I did.

Q And you went inside?

A I did. I went inside and I saw a man who was standing there, he had a mustache and he was wearing a dark suit jacket and a white shirt and a tie.

Q You saw him standing there, what did you do?

A I just stood there and I looked around.

Q What did you do?

A I just stood there and I looked around.

Q You stood there and you saw a man get out of a car and go up on the service road out of sight of

A I saw a man get out of a car and go up on the service road out of sight of

Q You saw him go up on the service road out of sight of

A I saw him go up on the service road out of sight of

Q Before he got into the car there, did he tell you

A No, he didn't say anything about this being new

Q Anything?

A No, I don't remember anything.

Q A Yes,

A Pineapple responded, "He came over to the table and went

Q Q What did he say to you as you remember it? directly to Benny Falze. She beckoned him away from the

A A He said, "Go into the gas station and buy a table and he sat [up] and moved away a few feet to an empty

Q Q couple of gallons of gas and then come back to the car." table, where I could see them talking. That was only a

A A And he gave me a \$10 bill for this to buy the gas with. minute. He got up, came over to me and said that she had

Q Q Did he tell you anything else concerning the something to talk to me about.

Q Q Gasoline?

A A I said I had nothing to say to her. She looked

Q Q A Yes.

A A visibly upset, Benny said go over there and talk to her.

Q Q What did he say?

7 Lisen

Alinsky-Schaefer

18 Q. Do you recall ever having gasoline to your vehicle
19 before?

20 A. I don't recall ever having gasoline to my vehicle
21 before.

22 Q. Did you ever have gasoline to your vehicle
23 before?

24 A. No, I never had gasoline to my vehicle.

25 Q. When you talked to this man, when did you get
26 gasoline to your vehicle?

27 A. I went into the gas station and
28 I got gasoline and had the attendant pump it into
29 my car.

30 Q. Did you ever stop at this gas station
31 before?

32 A. Yes, I stopped at this gas station
33 before.

34 Q. Did you purchase the gasoline?

35 A. Yes, I did and I paid for the gasoline.

36 Q. How much did you pay for the gasoline?

37 A. My best memory, I bought two one-gallon cans
38 of 61 gasoline, and the man, the attendant pumped the gas into
39 the two cans. I paid him for them and I walked back to
40 know the door.

41 I told her if it was that important I could reach
42 her where was Pacelli at this time?

43 him, but I would have to leave for awhile.
44 A. Down by the Plymouth, down on the service road

45 She said that she would wait in the club
46 south of the gas station out of sight of the station.

47 I left the club and took a cab to Vinny Pacelli's
48 apartment in New Rochelle. It took about thirty minutes.
49 from his apartment?

50 The address is 501 Belham Rd., apt. 2-F. I arrived around
51 A. That's correct.
52 two o'clock, a.m.

DETROIT, MICHIGAN

195

Q. Now, you were asked about the day before the day of the shooting, did you have any contact with the man who was shot?

A. No, I did not have any contact with him.

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A. No, I did not have any contact with him.

She did.

SOUTHERN DISTRICT COURT REPORTERS, U.S. COURTHOUSE

1 9:15 a.m. Lipstick
2 and fill up your tank at gas station. 180
3 9:30 a.m. Get into car and drive to the service
4 station. 10:00 a.m. Get out of car and go into
5 service station. 10:15 a.m. Get into car and drive
6 to the gas station. 10:30 a.m. Get out of car and go
7 into service station. 10:45 a.m. Get into car and drive
8 to the gas station. 11:00 a.m. Get out of car and go
9 into service station. 11:15 a.m. Get into car and drive
10 to the gas station. 11:30 a.m. Get out of car and go
11 into service station. 11:45 a.m. Get into car and drive
12 to the gas station. 12:00 p.m. Get out of car and go
13 into service station. 12:15 p.m. Get into car and drive
14 to the gas station. 12:30 p.m. Get out of car and go
15 into service station. 12:45 p.m. Get into car and drive
16 to the gas station. 1:00 p.m. Get out of car and go
17 into service station. 1:15 p.m. Get into car and drive
18 to the gas station. 1:30 p.m. Get out of car and go
19 into service station. 1:45 p.m. Get into car and drive
20 to the gas station. 2:00 p.m. Get out of car and go
21 into service station. 2:15 p.m. Get into car and drive
22 to the gas station. 2:30 p.m. Get out of car and go
23 into service station. 2:45 p.m. Get into car and drive
24 to the gas station. 3:00 p.m. Get out of car and go
25 into service station.

j

1/21/73

J. J. Conroy

Brooklyn, New York

Att. Asst.

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Q. Did he say that he was going to the Bronx? 143

A. Yes, he did. I asked him if he thought he

had a chance to get away from the Bronx and he said he did.

Q. What do you mean by getting away from the Bronx?

A. Well, I mean that he had been in the Bronx and he wanted to get away from the Bronx.

Q. Was he talking about getting away from the Bronx or getting away from the city?

A. Well, in the Bronx, I think he was talking about getting away from the Bronx.

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Q. Now, do you know the name of the man who was with you at the time?

A. No, I do not know his name, but he was a Negro.

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A. No, I do not know his name, but he was a Negro.

Lipsky-direct

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108 Q and got in the car. Go up and meet him."

109

Q What did she do?

110 A She sat where she was for a few minutes, and then I realized her necklace was gone, and I think I recall her saying she had been out the night before, dancing and leaving about 1:00 a.m. so I drove on and parked the car, and I went into the bar and had a beer and sat down. While I was sitting with at that time I saw a woman with glasses and dark hair sitting at a table across from me. She was talking to another woman, and I saw other people that could have been Elizabeth and Nancy was smoking here. She could have been the last person I saw at the place, but I really is?

111 Q Could you identify the woman with dark hair-Bonkovich.

112 A She appeared to me to be the mother or the eight breed at the Hippodrome. Do you know that racing that you knew?

113 Q She had her shades off in the struggle and the lenses were definitely fuzzy, that you went there quite

114 A STEPHEN started to stab her she screamed something, please don't do it baby, baby, I am a mother. He said very calmly, What's everything about a knife that you might strike here with this blade?

115 Q He said that this was steel, and I continued to drive. He told me to find the road that we had been on before and he was looking for the glasses so finally we stopped at a

--11--

red light and I found both lenses on the floor in the front. I gave them back to him after placing the lenses in the frame.

He located the area where [he] felt was a good spot to get rid of the body.

There was woods on both sides and the main road was nearby. I stopped the car and he jumped out and opened the door and pulled her out in one motion.

He said to me to open the trunk and get the gasoline.

He pulled her in a few feet off the road and took the gasoline which I gave him and he poured the gasoline over her body. All four cans and he said he had gas all over his gloves so would I light the match.

• Statement of Barry Lipsky.

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It was a match from a pack that I had picked up at the Hippo for this purpose.

I lit the match and threw it on her body. I watched her body go up in flames.

We both got back into the car. I drove. He was having trouble with his glasses and once he got them fixed he drove.

As we drove back we discussed how Patsy was killed. He told me that to prove murder you need more than one witness. He told me not to talk with anyone about [it] and never go back to the Hippo again.

We drove back to his apartment.

I recall that it was about 5 o'clock in the morning on February 4th when Vinny stabbed Patsy Parks in the rented car while I was driving.

When we got to the apartment Vinny and I went in and got cleaning equipment, Ajax, Lysol and things like that to clean the interior of the car of the blood.

--13--

We drove over to a park area on the water nearby in New Rochelle and I cleaned the blood on the interior and he threw the gasoline cans away.

Before we arrived back at the apartment [we went] to a Marina to get rid of the knife. This is a few blocks from the house and not where we washed the car. Vinny wanted to get rid of the knife and he wanted to throw it into the water. It was daylight.

He didn't want to get out of the car at this time.

He handed me the knife that he killed Patsy with. It's a pocket knife. It folds up and is all one color, silver. The blade is about 4 inches long, the model number may have been K55 but I'm not sure.

I walked out to the end of the dock and flipped the knife out abc. twenty feet into the water.]

It was then that we returned to the apartment to get the cleaning equipment.

--14--

After cleaning the car of Patsy blood, as I described before. He drove away and I was sitting next to him. Vinny wanted to get rid of the bloody towel and his gloves which he said had her blood on them too. So I tore the gloves up and we dropped the pieces and bloody towels in several trash cans along the way.

We got back to the apartment and he checked his clothes for blood and there wasn't any on him.

I laid down on the floor and fell asleep. I had a pillow and a blanket.

Present in the apartment was Beverly, Vinny, Barbara Jalaba, Beverly's sister, and a fellow named Abbe, her boyfriend, and a friend of Vinny's. They were there together that night. Barbara lives with her family in Southfield, Michigan.

Later, when I woke up, Beverly said to me that she and Barbara had taken the car to the market and had seen the blood in the carpeting and that they had worked

--15--

for over an hour trying to get it out.

We left the apartment to return the car that Patsy was killed in, about 2 to 3 p.m. on the same day, Friday, February 4th.

I drove in the Plymouth with Beverly and Abbe drove his car, a new brown Thunderbird, black top, with Barbara and Vinny in it. He has that car in Emily Flores name, to the best of my knowledge. She lives next door to Pacelli.

We returned the car and Beverly paid the bill. It was between two and three hundred dollars; she had the car for 3 to 4 weeks.

Then Beverly and I went over and got into the Thunderbird.

I recall now when Beverly and I were alone in the Plymouth that Patsy was killed [in] she asked me why didn't Vinny and I clean the blood up better. She complained about Barbara and her having to complete the job. Getting back again to the Thunderbird and they left me off at around

--16--

40th Street and Park Avenue. I walked up the street and got a cab home to 1420 Third Avenue. It was about 4 to 4:30 P.M.

I recall now that when we were riding back to the apartment after killing Patsy we had Patsy's pocketbook in the car. Vinny Pacelli wanted to get rid of the contents. I dumped everything into a trash can at a Texaco Station on First Avenue in the vicinity of Thirty Sixth Street. Before I emptied it however I removed about twenty dollars in cash from her pocketbook and put it in my pocket. In regard to the pocketbook I threw it down the trash chute at Pacelli's apartment.

The following day Beverly telephoned me and told me to come up to Vinny's aunt's house. The call was in the evening 6 or 7 o'clock.

Pacelli's aunt is Antoinette Bassi and she lives at 452 E. 118th Street Manhattan. They call her "Chucky".

Getting back to Friday afternoon, February 4th, when they dropped me off. I went back to my apartment,

--17--

got an Avis Credit Card and returned to 64th Street between Second and First Avenue and I rented an identical car, to the one Patsy had been killed in. That was a 1972 Plymouth color dark green, black top. This one had Jersey plates on it. I drove it back to my apartment and Beverly telephoned and asked me to bring the car up to Vinny's aunt's house.

I drove it up there between 6 and 7 P.M. on Friday the 4th and left the car with Vinny and Beverly. I took a cab back home.

When Beverly called me at home Saturday it was in the late afternoon and she told me to come up to his mother's house. She lives at 422 E. 118th.

Vinny told me when I got there that his lawyer told him the trial was coming up on the following Tuesday.

I remember talking to him about killing Patsy and he said it was a good thing he did what he did when he did it because she was a key witness against him.

Tuesday the trial started.

--18--

On Thursday, February 10, I received a telephone [call] from Beverly to come up to the aunt's [house]. This was about 5 P.M.

I left the house, took the rented Plymouth and went home.

I recall now that I didn't go home. I went over and stayed with Marge Jacklone.

On Friday, February 11th Margie borrowed the car [and] went to a friend's funeral in [the] morning and then when she returned I dropped her off at the Boutique, went home, packed, shaved cleaned up and then back to Margie's.

I took the boy out to dinner, Margie stayed in because she didn't feel well. I dropped the boy back and we talked about her meeting me in Florida.

I returned the car at the airport (La Guardia) about 8 or 8:15 P.M. and caught flight 611 Y coach, National Airlines - non-stop to Miami.

My friend Allen Harris picked me up at the airport. I stayed with him that night. His address is 1065 97th Street. It is his girlfriend's apartment, her name is Diane Kane.

--19--

I told Allen Harris the whole story about how Patsy was killed. He knows everything.

The next day I moved in with my sister at 1140 99th St., Bay Harbor Isle, Miami Beach. That was Saturday the 12th.

I stayed there three nights.

Then I moved back with Allen Harris.

Eventually on Saturday, February 19th Margie Jacklone and her son joined [me] in Florida and stayed two nights with me there.

During this time Margie and I discussed the killing of Patsy Parks.

I told Margie the entire story, the same as I had told Allen. I made a complete confession to her.

After that she moved to the Fountainbleau and stayed there in room 422. She was there from the 21st to the 29th.

On Saturday night, February 26, I was in the La Disque on 79th St., Causeway, Miami Beach, and I met Micky there. I had last seen him on the night Patsy was killed in the Hippo. I have been shown a photograph of a man and I have identified that photo as being that of Micky. It has a New York City Police number 365289, date 2-3-65 on it.

--20--

Mickey was with a girl. He said don't even sit down. He said I was hot and that I should decide what I have to do. Either go south and get lost or go back. I spent half a minute and left.

When I arrived the detectives were waiting for me. I accompanied them to Police Headquarters in Mineola on Long Island, where I made this statement of my own free will. It is all the truth and I feel relieved that I was permitted to talk about it.

(Signed) Barry Lipsky

X-9
DISTRICT ATTORNEY'S INVESTIGATION

COUNTY OF NASSAU

In the Matter re:

Comp. #423/72

Police Headquarters
Mineola, New York
March 3, 1972

STATEMENT

COMMENCED AT: 4:35 A.M. - WITNESS: BARRY GLEN LIPSKY

APPEARANCES:

STEVEN SCARING, Assistant District Attorney

Det. Raymond Book, Nassau County Police Department

Det. Roger Walker, Nassau County Police Department

Donald J. White, C.S.R., Confidential Reporter

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Warrington P. 3
N.Y. April 1972 55

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3/3/72

BARRY GLEN LIPSKY, being interrogated

by Assistant District Attorney Steven

Scaringo, made the following statement:

MR. SCARINGO: Mr. Lansky, my name
is Steve Scaringo. As I introduced myself
to you before, I'm an Assistant District
Attorney with the District Attorney's
Office of Nassau County.

THE WITNESS: Yes.

MR. SCARINGO: This is Mr. Donald
White. He's a Confidential Reporter.

He'll be sitting down and taking every-
thing that I say and everything that you
say.

Det. Roger Walker will be sitting
in. He's with the Homicide Squad, and
I'm sure you met him before, and Detective --
I'm sorry, I don't know your name.

DET. BOOK: Raymond Book.

MR. SCARINGO: Raymond Book. Of what
Squad?

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DET. BOOK: 7th Squad.

MR. SCARING: 7th Squad, Nassau

County Police Department.

THE WITNESS: Right.

EXAMINATION BY MR. SCARING:

Q Mr. Lipsky, we want to talk to you about the death of Patricia Parks which took place on February 4th, 1972.

A Right. I'm sorry. I don't mean to interrupt you, it's Lipsky.

Q I'm sorry. Lipsky. How do you spell that?

A L-I-P-S-K-Y.

Q Mr. Lipsky, for the record can you spell your full name and give us your full address?

A Barry Glen Lipsky, B-A-R-R-Y, G-L-E-N, L-I-P-S-K-Y. New York City address, 1420 Third Avenue.

Q Mr. Lipsky, before I talk to you I want to advise you that you do have the right to remain silent. Do you understand that?

A Yes, sir, I do.

Q All right. Have the detectives advised you of that right?

A Yes, sir, they have.

Q Fine. Do you understand that?

A Yes, sir.

Q All right. Do you understand that anything you do say can be used in evidence against you in court?

A Yes, sir, I do.

Q And have you been previously advised of that right?

A Yes, sir, I have.

Q Okay. And do you understand that you have a right to an attorney?

A Yes, sir.

Q Okay. And have you been previously advised of that right?

A Yes, sir.

Q And if you cannot afford an attorney, one will be provided for you?

A Yes, sir.

Q All right. Now understanding these rights, do you wish to talk to me at this particular time without having an attorney?

A Yes, sir, I do wish to talk to you at this

time.

Q Mr. Lipsky, can you tell me where you were living on February 4th, 1972?

A Same address I just gave you, 1420 Third Avenue.

Q Okay. And if I may go back one day, on Thursday, February 3rd, again were you at that particular address?

A I was residing there, yes, sir.

Q All right. Now, where were you that evening, that would be Thursday evening, February 3rd, 1972?

A You mean what, where I went that evening?

Q Yes, where did you go that evening?

A It was raining that evening. I went to eat dinner with a Margie Jacklone, J-A-C-K-L-O-N-E.

Q Who is Margie Jacklone?

A She's a personal friend of mine. She lives on East 52nd Street. And we ate dinner on East 52nd Street and First Avenue, a restaurant called Billy's.

THE WITNESS: [To the Reporter] Am I going too fast?

A [Continuing] We then went to the movies.

Q You went with Marne?

A With Marcie, to the movies. The two of us went to the movies. After the movies we went to the discotheque, Hippopotamus, at East 54th Street.

Q Now, about what time did you get to the discotheque at East 54th Street?

A Between 11:00 and 11:30, sir.

Q I see. And what happened at that particular time and that place?

[Det. Sgt. Bonora entered the room.]

A With a group of people sitting in the booth. I'm sorry. They were -- we sat in a booth, table, so to speak, and there was some other people there and more people that we -- that I know, came in, and then this girl in question, Patsy Parks, came in.

Q All right. Now, do you know Patsy Parks?

A I am not -- I wasn't very close to Patsy Parks, but I know her. I knew her when I saw her.

Q Had you met her before?

A Yes.

Q Did you know where she lived?

A Not offhand, but I remembered in the papers

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I didn't know when she came in there where she had been residing, but I since was told or read that she lives in East 76th Street.

Q Okay, Mr. Lipsky, when you went into the Hippopotamus, who was with you or who was in the booth that were sitting at?

A Well, I went in with Margie Jacklowe. In the booth sitting was a man I know, Jay Kaufman: K-A-U-F-M-A-N.

Q Do you know his address?

A No. I'm sorry, I don't know his address. I think he lives down the Village somewhere that area.

There was a man there, older man named Carl Schlossberg, and a -

Q Do you know his address?

A No. I know he's in the garment center. He's in business in the garment center. He has his own company. I think it's called Carlette, C-A-R-L-E-T-T-E and he was with a blonde girl.

Q Do you know her name?

A I don't. I don't know her name to this day. I don't know that.

Q Okay.

A A friend of mine, people I know, Beni Febre, F-E-B-R-E. He came in a little later on with a girl named Toni. I think her name's Toni Starr, and a friend of his, Aaron Shaw, S-h-A-W. Let's see, I believe that was the whole group at the table.

Q Okay.

A When Patsy Parks entered.

Q Now, what time did Patsy Parks enter? This is Thursday evening now?

A Yeah. She came in at about after 12:30. You know, we went over the times in this when I gave the statement here, but the times are a little sketchy to me.

Q Has it after midnight?

A Yes, it was after midnight. It was more like, more toward, toward 1:00 o'clock. I don't -- I want to coincide with what I said previously, but I can't remember the exact time.

Q It was going into Friday then, the 4th of February?

A Yeah. Everybody was at the table already.

when she came in.

Q Did she come in with anybody?

A By herself.

Q Did she say anything when she came to the table?

A She motioned for Mr. Febre, Bent Febre, to speak with her away from the table, which he did reluctantly.

Then he came over to me, Mr. Febre, and said to me, "She wants to talk to you."

I said, "What about?"

He said, "She wants to talk to you, to talk to her. She has something on her mind." And she -- I went over where she was sitting.

Q And where was she sitting?

A Next just adjacent table was an empty table, adjacent to the booth we were sitting at, within five feet of where we were sitting, and she said she wanted to see Vinnie, meaning Vincent Pacelli, Jr. She wanted to see Vinnie about something that had happened with a subpoena she had, somebody had tried to serve a subpoena on her at her home, and she didn't accept

service of it, and she was nervous, and she wanted to talk to him, she must talk to him tonight, and could I reach him.

And I said, "All right, I'll try and reach him," and I went and I left the Hippopotamus.

Q Let me stop you at that point.

A Yes.

Q Did you say anything at all to Patsy Parks concerning what she should do while you went or where she should go?

A I told her to stay in the Hippopotamus I took her from -- I asked her to come with me to the hall where it was quieter, it's noisy there. I asked her to come into the hall and sit, and there was a telephone booth, and tell me quietly what it was that she had on her mind, what the matter was, and she told me about the subpoena and her girlfriend answered the door and it was a subpoena with her name on it, and Vincent Pacelli's name on it.

And she knew what it was about, and she was concerned and she was looking for her to tell him about it. And I said, well, I could find him, I'd go

and get him. "Would you stay here in the booth with these people and I'll go and find him and come back."

Q All right. Let me stop you at that point.

A Yes, sir.

Q When she said that she knew what it was all about, did you inquire as to what she knew?

A No, I didn't ask her any questions. I just listened to what she said.

Q When you said with respect to would she wait in the booth, did she then go back to the booth and wait there?

A I believe she did. I left her at the booth or near the booth.

Q What did you do at that point?

A I went outside Hippopotamus, went to Third Avenue, got a cab, went up to New Rochelle in the cab to his home, Mr. Pacelli's home.

Q Let me stop you at this point. Had you called him before you went?

A No, he does not have a telephone.

Q Do you remember what kind of cab it was when you went?

A I think it was a Yellow cab and I think I told the detectives before it was one of the big ones. I don't know, specially made, the cars that are made just for cabs.

Q Checker cab?

A I think it was a checker, I believe so.

Q So you went up then to Mr. Pacelli's home?

A Right, I went up to his home.

Q Do you know his address?

A 501 Pelham Road, New Rochelle, Apartment 2-E.

Q Now, this is sometime in the early morning hours of the 4th?

A Correct.

Q Okay, Friday.

A This is about prior to 2:00 o'clock.

Q Okay. When you arrived at his house, --

A Just prior to 2:00 o'clock.

Q Okay. What did you do when you got there?

A Well, I threw a couple of pebbles up to the window in the back and I said -- this is a split level apartment, so they shouldn't get nervous, somebody ringing the door at that late hour. And his wife looked

out the window.

Q Did you recognize his wife?

A Yeah.

Q And do you know her name?

A Beverly.

Q Okay.

A And they rang the buzzer for me to come through the doors. I came upstairs and he answered the door, with his wife.

Q Pacelli?

A The door. He answered the door, with his wife, and he said, "What's the matter?"

And I told him, I said, "The girl Patsy Parks is in Hippopotamus and she's looking for you."

And with that he proceeded to get angry or get perturbed about something now about a box, something about there was something about a box, some box that had been figured in some past, some past something they had done. I don't know what the box was about.

Q Can you try to recall the exact words or as best you can what he said concerning the box?

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A He says, "That goddam box," or something to that effect. He was visibly annoyed and he then proceeded to get dressed.

Q Let me stop you again. When he said, "That goddam box," did he say anything concerning her? Did he said, "That goddam box and her," or anything relating to her?

A "That goddam box." And then he told his wife to go in the other room and close the door. In he said something more to the effect that he knew what he had to do.

Q He said this to you?

A Outloud. I don't know if he directed it to me, but I was in the room there and he directed it outloud.

Q What was he doing when he said he knew what he had to do?

A What was he doing? Pulling on his pants, I think.

Q He was getting dressed?

A He was in his underwear and his shorts and his T-shirt and he was putting on his underwear, his

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pants and his sweater.

Q Okay. Do you know what he meant when he said what he had to do?

A I had an idea what he meant.

Q And what was that?

A I believe he meant to kill her.

Q Okay. What did he do after he got dressed?

A He said, "Let's go, go in the car," and

he drove. I rode in the car, his car he had at the house.

Q What kind of a car was that, sir?

A A rented 1972 Plymouth four-door, green, black top, dark green with a black top, black interior, New York license plates, something, something Z-710, or 510.

Q How did you know it was a rented car?

A Well, because I knew his wife had rented the car previously and I had told the officers where I believe the car was rented from.

Q Okay. How did you know that? How did you know she had rented the car?

A Oh, because they told me. They told me a

few days, they had had the car for three or four weeks prior to that, the same car.

Q. Had you known the Padelis well?

A. I've known him about a year and his wife about the same amount of time?

Q. Did you see him frequently?

A. I didn't see him too frequently, but he did get married in St. Patrick's Church back in June 6th last, and because he knew that I had some knowledge, I have a lot of knowledge of the restaurant and food business, he told me he did not have the head to arrange a wedding of the type he wanted and he asked me if I could take care of it for him, and I did.

So I took care of all, all arrangements in the church, Tavern on the Green, and the Pierre Hotel for him for his wedding.

Q. Okay. What did you do? He drove the car?

A. He drove the car. He drove down towards Hippopotamus, Downtown, east side. He stopped on the F.D.R. Drive about the 73rd Street exit, but he did not exit, and he got on the service road and he told me to go in and buy some cans of gas.

Q Did he stop at a gas station?

A Yeah, just away from it, so the car couldn't be seen.

Q Do you remember what kind of gas station?

A I believe it was a gas station, I say I believe, but I'm not sure, it's the only one about the 73rd Street exit of the F.B.R. Drive going south.

Q Did he say why he had to stop at the gas station?

A Yeah. He had to buy the gas to burn the girl.

Q He said that?

A He said that.

Q How did he come about to say he was going to burn the girl?

A Just like I said it, just now, straight out.

Q He said he had to buy the gas to burn the girl?

A To burn the body.

Q Did he ask you to do anything?

A Yeah. He asked me to go buy the gas.

Q And is it at that point that he said, "Go

buy the gas," or, "We're going to need it," or something like that?

A Yes. I came back with a can of gas I bought and he said, "That's not enough. Get some more." I went back and bought three more.

Q When you came back with one, was it a two-gallon or one-gallon can?

A Those red cans that says -- but it's a red can with a handle.

Q Small can?

A Yeah, I guess. I think we decided it was a two-gallon can. It's kind of like about like that [indicating].

Q Now, when you came back with the one and he said, "That's not enough -- "

A "Go back and get more." So I went back and bought three more.

Q Did you buy it from the same fellow?

A Yes, I did.

Q You remember what he looked like, the fellow?

A It's hard to remember. I think he was a young fellow.

Q Caucasian?

A Yeah, a white male, age 20, 25, maybe.

Q Black hair?

A It's very difficult to remember.

Q Did he have light hair or dark hair?

A I can't remember a thing about his hair, honestly.

Q Skinny, fat?

A Tall, thin I think.

Q Okay. When you got the three cans and the additional cans, you came back to the car. What did Pacelli do or say?

A He didn't say anything. He had the trunk open. He just put them in the trunk, he was standing by the trunk with the trunk open.

Q Did you help him put them in the car?

A He put the tops on real tight and he put them in the trunk.

Q What did you do after that?

A I got in the car and he drove, got off the Drive at 53rd Street. He drove across the Third Avenue, he drove up Third Avenue. He stopped between 53rd and

54th and he said, "Go out of the car, go into the club and tell her to come meet me at 54th and Lexington up by the church. Tell her to come out in ten minutes, and you stay another fifteen, twenty minutes, and then you come out on your own by yourself, and you come up to the car."

Q And what did you do?

A What did I do? I went into the Hippopotamus. I saw her there. I told her what he said about meeting him.

Q Let me stop you. When you went in, where was she?

A She was around and near the booth what I had left her.

Q With the people?

A Same group of people.

Q Okay. Now, what did you say to her?

A I said --

Q Approximately, or as best you recall.

A I said, "Vinnie is --" roughly, I said this. "Vinnie is up at 54th and Lexington." I described the car to her and, "Wait five, ten minutes. Then go up

there."

And she was a little high at the time of drinking or something, and what -- what I said got through to her, and she then waited a few minutes and she went there.

Q Did you say anything about what you were going to do?

A No, I didn't.

Q Okay. What did you do after she left?

A I sat there a few minutes. I paid my check at this time, which she was -- I had a check there and I paid the check.

Q How much was your check, if you remember?

A About 30 to 35 dollars, I believe.

Q That was quite a bit, wasn't it?

A Uh -- everybody must have been drinking on my tab while I was away.

Q In other words, you picked up the tab for everybody?

A No, no. The drinks there are pretty dear. They're about two and a half dollars, about two dollars, two and a half dollars a drink, so that only represents

about, with the tax and the tip they put on there, it's about ten drinks would be \$25.00.

Q And then did you leave the Hippopotamus?

A Yes, I did.

Q Okay. Incidentally, why did you tell her that she would wait a few minutes before she went out?

A That's what he told me to tell her.

Q That's what Piccelli told you to tell her?

A Exactly.

Q Did he say why?

A No, he said he wanted it done.

Q When she left the Hippopotamus, what did you do at that point?

A Myself, I walked up to 54th Street. The car was around the corner on Lexington facing south on the -- on the east side of the street.

I got in the back behind Patsy Parks and he was, Piccelli was driving. I --

Q She was in the right passenger's seat?

A I -- right? I was in the back behind her and he was driving, and he proceeded to drive.

Q Where did you go?

A He drove over, around the City a little bit and over the 59th Street bridge and then out to Queens, and he took a long slow drive that ended up out right around here.

Q All right. Out in Nassau County?

A In Nassau County, I believe.

Q What did he talk about with Patsy Parks?

A Well, I didn't talk at all. I just sat there. He spoke about this box, whatever. I still did never determine whether it was a box of money or whatever, this box and how -- let's see, what did they talk about?

That she had -- they were talking about this girl Lisa who was involved in a case with him, and the kid, fellow named Jimmy who was already doing time somewhere in Connecticut on the same case, another case before this one with him.

And they talked about how they met these people and she was getting very friendly with him and kissing him and everything, you know, as she was saying, "Oh, I would never tell on you. I would never, I would never say anything about you, you know, Vinnie,

and you and Beverly are my dearest friends," blah, blah, blah, and that type of conversation.

And then they discussed -- I'm trying to think. Oh, he asked her some leading questions so he could pick her brains, so to speak.

Q What do you mean by leading questions?

A Well, "Have you ever been arrested? Have you ever had your fingerprints taken down? Do they have pictures of you?"

And then he talked to her about sending her away somewhere and giving her, his words were, "A bunch of money," wanted to give her a bunch of money to send her away.

Q Well, how did he say that to her?

A Just like I said it to you. He said, "I want to give you a bunch of money and send you away. Where would you like to go? Is there a place special where you want to go, California? You want to go to Brazil? I mean, where do you want to go?"

Q What did she say to that, do you recall?

A "Well, I don't know. Why do I have to go away?" This and that. "Please, I have a job."

He said, "Well, you have to go away because I'm having this case and that's why they're at your door tonight with a subpoena 'cause there's something must be cocking with my case."

And he said all these things, you know, and then he was lulling her to sleep, so to speak, with his talk about giving her a bunch of money, and he lulled me to sleep, 'cause I was sitting in the back not paying any attention, just dozing, but then I kept thinking about she kept mentioning about a gas leak in the car. And every time --

Q Who kept mentioning that?

A Patsy. Every time she said that I didn't sleep any more.

Q Well, did you smell gas in the car?

A Oh, yeah. Yeah. And then she said, -- he said, trying to think, but I'm very tired, I'm just trying to get my head together. Excuse me for a second.

They spoke about more about the same type of thing that she go away, and he had made a pre-arranged something signal with me. He said, "When I get out of the car --" in other words, when he gets

out of the car I would take over the wheel and he would change seats with me.

Q When did he say that to you? When did he make that --

A On the way downtown before we got to the gas station about the gas.

Q Did he say why you would change seats?

A At that time he didn't come out and say, he didn't finish his statement, but evidently that whatever -- I'm sorry, I don't smoke -- at the time he didn't say why he was going to do it, but in my mind if he -- in my mind I didn't want to believe what he was going to do at the time. That's what -- that was why he wanted to change seats.

Q Why?

A So he could either sit next to her or get behind her or have his hands free from driving to kill her.

Q Did he ever say that he was going to go out to Massapequa or out to Nassau County or --

A When she was in the car?

Q No, before he was in the car did he say

where he was going to take her?

A No, he didn't, but then I first looked up at one time, I was sitting in the back, and I -- was a road I never seen before, some highway out this way, and we were pretty far out, and every time it said New York City this way, he went this way, and I saw a sign that said Bethpage. I said, "Oh, oh, this girl is dead," you know.

Q Were you driving at that point?

A No, he was driving the whole time.

Q Now, did there come a time when he stopped the car?

A Yes, he was -- started to look for some roads.

Q And where were you at this point?

A I was wide awake at this point.

Q Were you in the vicinity of the sign that you saw in Bethpage?

A No, it was past that. It was after we got off the highway and local little roads, you know. I don't know, what -- yeah, little city streets, city streets over here.

Q You were not in New York City at the time?

A No, we were out in this, in this general area of where we are right now, I believe, Long Island.

Q Nassau County?

A This County. We went. He started to try to find some side roads to drive down and they were all black, and she got a little nervous, 'cause the road was dead black, and it rained earlier that night and there were big puddles in the street.

And she said, "You need a snorkel to go in there," or something.

And then he said, he pulled out, he said, "I'm looking for my friend's restaurant. I want to change cars." And I knew there was a story. He was just making up a story.

So then he found a phone booth. He stopped about 20 feet from the phone booth. He got out and he went over and he faked making a phone call, picked up the phone.

When he came back he said, "I'm tired, you drive." So I got out from my side in the back right, went around the back of the car, I got in the right.

From that time on I did not look to my right or behind me.

He got -- he tried to get in next to her, I think, in the front seat and she -- I think she got nervous. At the time she said, "Oh, there's not enough room. We'll be crowded."

So he got in behind her. She was facing forward in the seat. Like here's the front of the car and when he got in behind her, it was a high seat, she turned, she turned this way.

Q She turned over her left shoulder?

A More or less. She put her back to the window, to the car door.

Q To the passenger's side?

A To the car door, yes. I was driving where this gentleman's sitting, and he was -- Winnie was sitting behind her and --

Q Now, you're in the driver's seat. She's in the passenger's seat with her back to the door facing --

A So she can watch, try to watch him in the back.

Q Pacelli's in the back?

A Definitely.

Q And he was behind you or behind her?

A He was directly behind her. It's got those tall seats.

Q When he said he was tired and he wanted you to drive, was that the pre-arranged signal you would have?

A That's what I, you know, I knew then all the talk about giving her a bunch of money and sending her away was just a lot of talk.

Q So you knew at that point he was going to kill her?

A I knew it was over for her. I knew she was dead. I did not turn my head again. I just drove the car and by the time -- by the -- I started the car, the car was in Park and put the car in Drive, and I started to go around, and just at that moment we were getting on the road there, just at that moment, I think, he came around the seat with a knife and he -- I didn't see this happen, I mean. I was in the car but I didn't watch it happen. I saw the aftermath of

what happened. He gave her one of those [indicating].

Q When you say "one of those," you mean he cut her throat?

A He cut her throat, exactly. She bent forward, which I did see her bend forward this way [witness indicating].

Q With her head down?

A Head down, trying to protect herself, put her hands up, and she's wearing a fur coat. She did sort of try to protect herself. He was in the back seat.

Q Let me stop you at this point. So that she bent forward with her chin to her chest?

A She was already mortally wounded.

Q She was already cut under her chin?

A Yes, she was.

Q On her neck?

A I didn't ever see this, but this is just what he told me what happened. I mean, I didn't -- in other words, I didn't watch this happen.

Q You didn't see that happen. And at this point you say she put both her hands up?

A : Hands up and ducked her head down, tucked her head down.

Q : In the vicinity of chest and chin?

A : Right. And he came over the top of the seat sort of and she was struggling, and her feet came up and kicked me, and he came down with the knife and proceeded -- I thought it was punching her, but it wasn't punches, it was he proceeded to stab her in the chest area, I believe, on the side.

Q : Did you see him do this?

A : Yes, I did.

Q : How many times did he stab her?

A : A number of times. I guess half a dozen or so.

MR. SCARING: Let me just excuse me for one minute. You can relax for a few minutes.

[At 5:03 a.m. Mr. Scaring and the reporter left the room and returned at 5:08 a.m.]

BY MR. SCARING:

Q : Mr. Lipsky, again getting back to the time

now when you were driving the car and when Pacelli stabbed Patsy Parks --

A Yes, sir.

Q -- in the back of the car, did he say anything before he stabbed her?

A When he re-entered the car from making the phoney fake phone call, he didn't say anything. I just drove.

Q Well, let me stop you there. What phone call was that?

A He got out to a pay phone booth and pretended to make a phone call, which was when he switched. He came back and said, "I'm tired of driving, you drive."

Q All right.

A And I got out of the car and, you know, thinking this was it, you know, he's going to kill her.

Q Now, did he say anything when he got back in the car?

A Didn't say a word.

She turned around so she could watch him, as I told you about.

Q And what did she say to him when she turned

around, if anything?

A He tried to get in the front seat, I think, next to her so it would be easier for him, have her right next to him.

I didn't watch. I was watching straight ahead. I wouldn't even watch over to the right. I didn't want to watch.

She said, "No, it's too crowded," so he didn't fight.

Q She said to him it was too crowded?

A Yeah. So he went and got in the back behind her and as I turned my head to the left, the car had to be turned this way to go back to the highway. We were on the shoulder, like. As I turned this way, that's when he stabbed her.

I was looking out this window. He stabbed her and she ducked like that.

Q Let me just stop you at this point. How long would you say he had been back in the car before he stabbed her?

A Ten seconds, fifteen seconds. In other words, it was [witness snapping fingers]. It was a

moving -- the minute he got in the car he was going to go and do it. She turned a little away from him, she turned this way.

Q Turning to the left?

A But then he -- then I don't know, I don't know exactly what position she was in when he did.

Q Let me stop you at this point now. The first time he struck her he struck her in the vicinity of the neck you indicated?

A Yes, sir.

Q Did she say anything at that point?

A Yeah, she started to yell, "Please don't hurt me, please don't hurt me. My child. I'm a mother," and that's about all she got out.

Q Did he say anything?

A He -- when she said, "Don't hurt me," he said, "What, are you kidding?" Or something to that effect, like those were his words, "What? Are you kidding?"

Q Was that the substance?

A In other words, just about like that. That's a saying of his, like -- like -- just like, "What, are

you kidding or something?" And then he proceeded to stab her more and punch her at the same time.

Q I see. How many times would you say that you heard the punching or the stabbing?

A Half a dozen that I heard.

Q What happened after that when he stopped?

A She slumped over to the right of the seat.

Q On the front seat?

A Yeah. Her feet were down below the seat.

Q On the floor?

A Near the floor. And she was lying in the seat wrapped up in her fur coat and there was noise coming from her, I guess air or something like that, and he said, "She's dead."

And -- and then she had yanked off his glasses and he can't see without his glasses at all.

Q When did she do that?

A In the struggle, I guess, she was fighting him as he hit her, he was hitting her with his right hand had the knife in it, and I guess he was punching her with his left hand, just punching her, 'cause she was grabbing at his head as he came over the top of

the seat.

I didn't watch all this. I was next to him but I didn't sit and watch. I was driving the car and I didn't want to watch.

Q Okay. So what happened? Did he pick up his glasses?

A He couldn't see his glasses. The lenses were very thick. They fell out on the floor and he said, "I can't see. Get my glasses, get my glasses."

She was just down on a ball, like, in the corner of the seat.

Q Was she bleeding at that point?

A I couldn't see. It was dark in the car, but later showed that she had bled just, not much, a little, and she was, I believe, dead, 'cause I think she went into -- my own opinion -- she went into shock and the first time he cut her would kill anybody. I mean just that first one. But then he -- he leaned down, he said, "Get my glasses, get my glasses," and he couldn't see still, so I got it.

No, he didn't get the glasses as yet. He didn't worry about the glasses yet. I was driving

around. He couldn't see. I was back on the road and I was trying -- I was just driving him down the road, and he was yelling, "Get the glasses, get the glasses."

So I got to a red light and I stopped at the red light, and she's down below the window level, he's in the back, and I'm picking his two lenses up off the floor with the frames and I put them in for him and I handed them to him, and he put them on and he can see again.

He then said, "Come on, find that road we were at before."

I said, "What road?"

He said, "The, you know, the one we were when we turned," this and that.

I said, "I don't know where it was."

And he said, "Find the road." And he was getting real nervous. So we drove around and he said, "Oh, this is good." And then we find a road, which was the road where the body was found, and we drove in and took a right, came up along the side, some bushes, like woods, sort of woods. I think it was a dirt road. I'm not sure. And we drove up alongside it.

And he said, "Open up the trunk and get us those cans of gas." And I didn't see. I went out on the left driver's door, I went back to the trunk. By the time I opened the trunk and reached out a can for him, he had taken the body, just yanked it in one move. It looked like just picked it up like this and just --

Q. Pulled it out of the car?

A. Just picked her up, and yanked her about eight, ten feet from the car and dropped her.

Q. Let me stop you at this point. Did he say why he wanted you to find that road, this spot, the one you were at?

A. Yeah, because I think it was a deserted, dead, quiet place that he had seen just a few minutes earlier and he thought it would be a good spot to dump the body, pour the gas on her, because there was another open end up at the other end to get away.

Q. What did you do at that point?

A. I opened the trunk up and I gave him the gas cans. I was acting mostly by reflex at this time. I don't remember doing any of this, but I did. I handed him the gas cans. Then he had gloves on and

he opened up the gas cans and dumped the gas over her, which I never did look at her, I mean. He did all that.

Then he said, "I have gas all over my hands." And he said, "Do you have a match?" And I had a match. And he said, "Strike the match," and just as I struck it, the whole flames flared up, and I was just standing there watching it.

And he said, "Come on. Come on. Get in the car. Get in the car." So I got in the car. I was driving and he was still trying to fix his glasses. And we drove. He drove.

Then he took the wheel after his glasses were fixed. He took the wheel, and we drove back a long way around, the Belt Parkway, somehow, all the way back up to New Rochelle.

Q Okay. Now, you indicated before that you don't smoke, is that correct?

A That's correct.

Q All right. Where did you get the matches that you had?

A In the Hippopotamus. Instructed me to pick

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up matches in the Hippocampus for this purpose.

Q He did tell you to do that?

A Yes, he did.

Q Incidentally, does he smoke?

A No, he doesn't. He doesn't smoke cigarettes at all.

Q Okay. So what did you do that night? You drove back to his house?

A It was early. It was early. It was still dark out. We drove back up to -- toward his house. We went the long -- long way, 'cause he got lost. Somebody gave us the wrong directions and we ended up on the Belt Parkway going through Brooklyn and then all the way.

Q Let me stop you. Did you stop and ask somebody for directions?

A A man in a gas station. I think it was a Texaco station.

Q Do you remember where?

A I don't remember the exact highway. I might -- I might remember the location if I saw it again.

Q Was it in Nassau County or was it in the City?

A I'm not sure. It must have been Nassau County. It wasn't too far from here, I don't think. It was a ways from here, but --

Q Was it far from the area where the body was burned?

A Some miles, yeah, it was a few miles. We thought we were going the right way and he wanted to make sure. He pulled in the gas station and got out, went inside. There was a guy there.

I said, "How do you go to New York?" And he told me, and it was the wrong way or, I don't know. Anyhow, so we ended up going in back into New York and he got off, I don't know. We came up First Avenue somehow. He got back into the City, came up First Avenue and took the contents of the pocketbook and instructed me to dump them in a trash can in a Texaco gas station at 36th and First Avenue. As you go up First Avenue by the Queens Midtown Tunnel.

Q Why did he pick that gas station, do you know?

A Well, he needed gas.

Q Did he stop and get gas there?

A. Yes, he did.

Q. Again, where is that gas station?

A. First Avenue and about 36th. I'm not sure of the street. I think it's 36th Street. The one adjacent to the -- where the Queens Midtown Tunnel goes underground there.

Q. Do you remember how he paid for the gas at the gas station?

A. Just cash.

Q. What about the knife? Do you know what he did with the knife?

A. Yes, he had me throw it away.

Q. What did he say? Did he say, "Throw the knife away?"

A. He said, "I'm going to give the knife to you as soon as you get out of the car. You go up to this dock and you throw it in the water up near the house in New Rochelle," and I did so.

Q. What water was that?

A. I'm sorry, I didn't know the name of the water, but it's --

Q. Was it in New York City?

A It was. I believe it's in New Rochelle.

Q Did you take anything out of the pocketbook?

A Well, there was a bunch of papers and everything in there. He says, "Take out the money. Don't throw the money away. Keep it." You know, I took the money. It was like \$20.00. And he says, "Take all the papers and all the rest of the junk and throw it down the trash can," which I did. The pocketbook remained in the car with us until we got up to his house.

Q Okay. Again, what did you do with the pocketbook?

A The pocketbook, he told me to carry it into his house. As we went upstairs, we went back to his house, and keep it under my coat, going to throw it down the trash chute in his apartment building.

Q And did you do that?

A Yes, I did.

Q Okay. Now, what about the car? Did you do anything concerning the cleaning-up of the car?

A Yes. He had me throw the knife away first before we went back to the apartment, where his wife

and his wife's sister and his friend Abbe were there sleeping.

And we went in there and he told his wife, "Give Barry all the stuff to clean the car. We have to go clean up the car." And we drove to a place.

Q Did he say why he had to clean the car?

A He didn't come out in front of them and tell them why, but I --

Q In front of who now?

A His wife, his wife's sister and his friend named Abbe. I suppose not suppose, I would guess very assuredly that they knew what had happened, but there was no talk about it.

Q Who was his friend now, Abbe and who else?

A I believe Abbe's name is Abbe Perez.

Q The other one?

A Barbara is Alabama, J-A-L-A-B-A, his wife's sister, Vinnie's wife's sister.

Q And they gave you gheese cleaning fluids?

A Some paper towels, a roll of paper towels, and all that cleaning business, all the cleaning equipment.

Q Did they help you clean the car?

A No, not at that time. He went out and as Vinnie had me, made me wear his gloves that he was wearing at the time he killed Fatsy. He was wearing his gloves. He said to me, "Take the rags and get the blood."

There was some pool of blood on the right-hand side of the car down the rug. He made me clean up the blood and he was throwing the gas cans in the water at this spot where we went to throw everything in the water.

Q So that you went back to his house to get the cleaning stuff?

A Cleaning equipment and then left again.

Q And you went to the spot where you threw the cans, gas cans in the water?

A Gas cans in the water. The knife was already thrown away before we went home the first time.

Q Was that in the same place that you threw the gas cans?

A Different place.

Q How far was the place that you threw the

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gas cans from his house?

A Oh, just a few blocks, five to six, eight blocks, something like that. He drove there.

Q Do you know what body of water that is?

A I don't know the name of the body of water. It's on the right-hand side of Pelham Road as you go north.

Q What did you do with the gloves?

A He told me to rip them up, which I tried to do as best I could, 'cause he said there was blood on them somewhere. I didn't see it, but it ripped up, ripped up the gloves. Then --

Q What did you do with them after you ripped them up?

A He had me throw them in the trash can in that neighborhood and he drove around.

Q When you say "in the neighborhood," you mean just --

A Any trash can out on the corner at this time.

Q Did you do that?

A Yeah, I did that, and we stopped at another trash can where I shoved the paper, rags with the blood

all over then down into the trash can.

Q. That you had cleaned the car with?

A. Exactly.

Q. Did you do anything else concerning the car?

A. No. We took it back and we went upstairs.

I was very tired. I went and laid down, tried to go to sleep and he went to sleep.

Q. You went to sleep in his house?

A. Yeah. It was about 7:00 in the morning, and his wife and his wife's sister got up the next morning to take the car to go to - to go to shopping or something.

And they saw that the - in the light of day there was more blood than they had figured on and they went and took the equipment out and they cleaned the car again.

Q. Who did?

A. Beverly and Barbara, the wife and the wife's sister.

Q. Did they say anything about the blood?

A. They came and they said, they had cleaned the car again, 'cause there was a lot of blood all over

there and we had not gotten it, or I had not gotten it.

Q Who did they say that to?

A To myself and Vinnie.

Q Did you do anything else concerning the car or any of the other items?

A Not at that time. There were no other items left. I mean, the gloves were gone, the rags were gone, the car was supposedly clean. The knife, the murder weapon, was gone. The gloves were torn up. The pocket book was thrown away, the contents thrown away.

When we woke up we were going to return the car, and they did so, and we went down into Westchester Avenue in the Bronx, two cars. I rode with Beverly.

She was driving the car that we had had that night before and I was sitting with her and Vinnie and Barbara and Abbe were driving ahead of us in a Thunderbird, Abbe's car.

Q Did you return the car?

A Yeah, Beverly returned it. I didn't return it, it wasn't mine to return.

Beverly returned it, went inside and paid the money at the Econo-Car place in Westchester Avenue.

Q Okay.

A And checked the car back in.

Q Mr. Lipsky, why did you do all this on his behalf, on Pacelli's behalf?

A Because I didn't really believe that he was going to kill this girl. I didn't go up and take him out of his house in the knowledge that he was going to kill this girl.

Q Well, let me stop you there. Why did you go up to his house at that hour of the morning, based on the conversation that you had?

A . . . Because she told me she needed to see him and I guess I wasn't thinking. I know I wasn't thinking clearly. And to go up to his house, but she told me it had to do with his case and it was a subpoena and she thought he should know about it, and nobody knew how to reach him, and so --

Q Well, didn't you have the telephone number?

A He doesn't have a phone.

Q Couldn't you tell her where he lived?

A No. He was very particular that nobody should know where he lived.

Q But why, because of this particular girl, why would you go up at that particular time of night? Why didn't you tell her to wait till the morning?

A Don't know exactly why. I didn't tell her to wait till the morning, but I knew that there had - I had heard some glimpses of conversations in the past that this girl had been to the Grand Jury about Pacelli and it was something involving a box of money or a box of something else, and she had some certain knowledge that he would want and he was having some kind of case, he had some type of case, criminal case coming up.

Q Where had you heard all this information?

A Just in idle gossip in the last, you know --

Q What was your relationship to Pacelli that you felt that you had to get involved in something like this?

A I met him through his wife, who I had met through his girl, Marge Jacklone, and then he got married, he was getting married in St. Patrick's Cathedral and I was living Downtown at the time with this friend of mine, Beni Febre, and he said to me he

he doesn't have the head to conduct a wedding of the type he wants to throw for her people. He made the wedding, not -- not his wife's people, out of Detroit.

He -- he made the wedding. He said, "I want to have a real nice wedding and I know you know how to do this type of thing." This was an original come-together. This was the -- this was the original way I began to -- to know him a little bit.

Q Well, what other kind of relationship did you have other than this kind of business relationship?

A I used to go out at night at different times and I would go out and I'd see him out in the discotheques and the place Directoire, where people used to go, you know, dance and drink, and I saw him around and he was a very quiet, mild-mannered guy, never bothered anybody, never, quiet, sat still, and we used to just speak.

Q Mr. Lapsky, Mr. Lipsky, I'm sorry. Quite candidly, you've told us very specifically that when you spoke with Pacetti at his house concerning Patsy Parks, he indicated to you at that time, and you accepted it and you believed it, that he was going to

kill the girl, that he indicated he was going to kill Patsy Parks.

A Yes, sir.

Q That he then stopped the car and got gasoline for the purposes of doing away with the body, and he set forth a plan of action where you were to participate in getting her out to the car and participate in everything, other than the actual stabbing.

A That he was going to do it, right.

Q Of the woman. Now, what kind of a relationship did you have with this man that you would get yourself involved in that kind of a situation?

A I just -- I didn't have any, really. I guess I had a close relationship with him but it was born by his -- by his, you know, by his way of thinking. I guess. He thought I could -- he could trust me.

I had had some trouble in Florida in the past with a case involving stocks and bonds, which he knew some of the participants, and I had gotten convicted of conspiracy and got a -- my sentence was three years' probation, and he knew about that, and he had heard about that through some people down in

Florida and through myself.

And mainly it was the weddin that I got friendly with him about.

Q Now, my point is, Mr. Lipsky, you knew that he was going to commit a murder and he was asking you to participate

A When I was in the car he was talking to the girl about -- about sending her away and he lulled me to sleep, and I really thought at the time that he -- even after he bought the gas, I didn't -- I thought he was going to, you know, talk to her.

I thought he was going to talk to her, and then if he didn't, you know, I didn't know whether he was going to go through with this or not. He bought the gas but he didn't have to go and do it.

And then he went ahead and was talking to her about -- about going away and give her a bunch of money to go away with and -- and then he just -- he was just lulling me to sleep also, 'cause he didn't have any --

Q Mr. Lipsky, when he got out of the car, when he gave you the ultimate signal that you were to drive the car, at that point there was no doubt

in your mind that he was to kill her?

A No, that's why I didn't watch.

Q But at that point you're still talking about the fact that he was going to commit a murder. Now, your relationship does not seem to be that type that you would want to get involved in such a situation.

A I -- my wrong move was going up to his house in the first place that night.

Q Were you in any way involved in the criminal prosecution?

A No, sir.

Q Were you in any way involved in the investigation or the matter which he was indicted for?

A Not one bit whatsoever.

Q Did you know anything about it?

A Just very, very sketchy.

Q Well, did you have any criminal activity or any participation with him in any criminal activity other than this marriage?

A No, I did not.

Q With respect to the incident that you had in Florida with the stolen stocks and bonds?

A Yes, sir.

Q Was he involved in that at all?

A No, I did not know this man at that time.

Q Did he have anything, did he threaten you
at any time, or did he have anything over you?

A No, he never threatened me. Very mild-
mannered, very quiet.

Q Did you have any conversations with Vincent
since this incident took place? I am talking about
Pacelli.

A Since it took place?

Q Yes.

A Well, he went on trial on the Tuesday
following this Thursday night, Friday. He did call
me, my apartment.

Q Did he say anything about this case, about
the Patsy Parks --

A Yeah, he did say to me, as in the statement
here, that he was happy that he did what he did to
Patsy Parks because he was -- he didn't know at the
time that he did it that his trial was going to start
Tuesday and she would have been a key witness against

him.

And his trial did start Tuesday and his bond, as you know, was remanded on Thursday night 'cause there was a holiday, a Court holiday on Friday, and they -- that's when they divelged with the jury out of the courtroom, at the end of the Court day, as the Judge was leaving the bench.

Q Okay. With respect to your participation, did he say anything that you should do or not to do, or which you shouldn't do concerning what had happened?

A Yes. He said, "Just never speak of this to anybody." He didn't threaten me. He just said, "Never speak of this to anybody, just forget all about it like it never happened. Never go into the Hippopotamus again."

And then he went on trial and he didn't have any more time to talk to me about much.

Q I just have a few more questions that I want to ask you.

A Yes, sir.

Q Firstly, did you receive any money from anybody to go down to Florida?

A Yes, I did.

Q And can you tell me about that?

A I received \$1,000.00 to go down to Florida.

Q And who did you receive it from and tell us the circumstances?

A It was up -- I was called to come up to Pacelli's aunt's house and I went up there, and up there it was Beverly, his wife, and this fellow Abbe Perez, I believe. He had -- they had decided I should go to Florida, get permission from Mr. Cannon, my probation officer. I should go to Florida and they gave me a thousand dollars to do so.

Q All right. Now, who said it to you and who gave you the thousand dollars?

A Well, I -- Abbe said, "Go to Florida," and he gave me the thousand dollars.

Q Did he give you any instructions?

A More or less he wanted me to go to New Jersey first, not Florida. And then he says, then he changes his mind.

He said, "Get permission from your probation man that you're going to go to Florida," probation

officer, "and then don't talk to anybody down there, don't go out anywhere, just be down there if we want you, and come back by the time your probation, your date."

Q Now, what date was that that you ~~went down~~ there? I'm sorry. That ~~you~~ had the conversation with ~~you~~ with Abbe.

A This was on the Thursday night before the Friday night that I left.

Q And when did you leave, when day?

A On the 11th, I think it was, February.

Q So it was the following week then?

A The following, yes.

Q Incidentally, what's the address of that house where this transaction took place with the thousand dollars?

A Let's see. He gave me the money at 422, 422 East 118th Street.

Q And that's whose house?

A That's Frank and Annette Bassey, that's Pacelli's aunt and uncle.

Q Okay. And who gave you the money, now?

A Abbe gave me the money.

stayed over my friend's place. My friend and his girl was in the Bahamas so we all stayed there. It was very cold, and we got to talking and I don't know why but I told her, so like I'm telling you.

Q Okay. Did you tell anybody else?

A My friend Alan Harris.

Q Where does he live in Florida?

A Yeah. He lives with his girlfriend Diane Cainé, C-A-I-N-E, at the same place where I told Margie Jacklone, at her residence, at apartment at 1065 97th Street, Miami Beach, Bay Harbor Isle, Miami Beach, Florida.

Q Did you tell Alan Harris everything, also?

A Same as I told Margie Jacklone.

Q Was there anybody present when you told Alan Harris?

A No.

Q Anybody else that you told?

A No. No, sir.

MR. SCARING: All right. Thank you very much, Mr. Lipsky.

THE WITNESS: Sure.

MR. SCARING: That's all I have.

[Statement concluded at 5:38 a.m.]

Q And did anybody else say anything to you when he gave you the money?

A No. Just I should go down there and --

Q As you recited?

A Exactly. "I will, yes," true.

Q When you were down in Florida, did you tell anybody about what had happened up here concerning the murder?

A Not at first I didn't, but then couldn't keep it inside, and Margie Jacklone came down there and she knew, had gotten bad feelings about this happening up here in New York and she wanted to get out.

[She was scared to death for herself. She thought they would come and kill her next.]

Q Did she know that Patsy Parks had been found dead?

A She knew, yeah. She had heard that Patsy had been found dead and when we got down Florida, she got down to Florida, she was going to stay in the Fountainbleu, but her reservation wasn't until Monday and she came in Saturday night to get away from the storm, and I let her stay over with her son. She

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2 MR. EDWARDS: Mr. Lipsky, please.

3

4 B A R R Y G L E N L I P S K Y, called as a witness,
5 having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. EDWARDS:

8 Q Mr. Lipsky, will you please remember that everyone
9 here has to hear your testimony and, therefore, would you
10 please speak in a sufficiently loud voice and also slowly
11 enough so that you can be clearly heard.12 Mr. Lipsky, up until around 1970 where were you
13 living?

14 A In Miami Beach, Florida.

15 Q And in around 1970 did you come to New York for
16 a few months?

17 A Yes, I did.

18 Q And did you return to Florida around the end of
19 1970?

20 A Yes, I did.

21 Q Directing your attention to early 1971, did you
22 once again come to New York?

23 A Yes, I did.

24 Q Mr. Lipsky, do you know a man by the name of Vincent
25 Pacelli, Jr.?

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2 A Yes, I do.

3 Q Do you see him here in the courtroom?

4 A Yes, I do.

5 Q Would you point him out please?

6 A The third person from the left at the counsel
7 table.8 MR. EDWARDS: May the record reflect, your Honor,
9 that the witness has identified the defendant.10 Q Did there come a time in 1971, Mr. Lipsky, when
11 you became employed by Mr. Pacelli?

12 A Yes, sir.

13 Q Around when was this to the best of your memory?

14 A Shortly after Easter 1971.

15 Q What was the nature of the business in which
16 you were employed by Pacelli?

17 A The narcotics business.

18 Q For how long did you continue in that type of
19 employment with Mr. Pacelli?

20 A Approximately ten months.

21 Q During this time and in this business did Mr.
22 Pacelli have any partners?

23 MR. DUKE: Objection.

24 THE COURT: Overruled.

25 A Yes, sir.

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2 Q And who were his partners?

3 A Albert Perez and Albert Bracer

4 Q Mr. Lipsky, in your work from which of these
5 partners, if any, did you receive your orders?

6 A Pacelli.

7 Q And who paid them?

A Pacelli most of the time

9 Q Mr. Lipsky, what is your best estimate of the
10 amount of income you received from Pacelli during the ten
11 months you have referred to?

12 A The best estimate of my income during those ten
13 months is between five and ten thousand dollars, but I
14 cannot be exactly sure of the figure.

15 Q During this period of time where were you living?

16 A At 1420 Third Avenue, New York City.

17 8 Who paid the rent?

18 | A. T. did

Q And where did you obtain the funds?

20 A From the money that I was paid by [REDACTED]

21 Q Were you paid so much a week or so much a month,
22 or was it more sporadic?

23 A It was a sporadic type pay arrangement.

Q Mr. Lipsky, I am directing your attention to

the early evening of February 3, 1972. Would you tell us

1 || jqh8 Lipsky-direct

2 where you had dinner that evening?

A Billy's Restaurant.

4 Q Was anyone having dinner with you?

5 A Yes.

6 Q Who was this?

7 A Margie Jackson

8 Who was she?

9 A She was a friend of mine.

10 Q Incidentally, did you have any business arrangement
11 with her other than her being a friend of yours?

12 A Yes

13 Q Did this involve you and she in sort of a cocaine
14 business of your own on the side?

15 A. It did

16 Q Mr. Lipsky, after you and she had dinner where,
17 if anywhere, did you go?

18 A We went to the movies.

19 Q. Do you know anyone who has

20 A Yes. I believe it was the Beekman Theatre on
21 66th Street and Second Avenue, to the best of my memory.

Q How did you travel from the restaurant to the
theatre that evening?

24 A Taxicab

25 Q Did you at that time have a car of your own?

1 1zh 1 Lipsky-direct

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2 A I did not.

3 Q Did you ever rent a car of your own?

4 A I did not.

5 Q After you went to the movies could you say, as
6 best you can, what time is it you came out of the movie?

7 A To the best of my memory around 11:30, a quarter
8 of 12, around there.

T3A 9 Q When you came out of there, where did you go?

10 A To the Hippopotamus discotheque.

11 Q Did Margie Jacklone accompany you to the
12 Hippopotamus?

13 A She did.

14 Q And how did you travel from the theatre to the
15 Hippopotamus?

16 A Taxicab.

17 Q Around when would you say you arrived at the
18 Hippopotamus?

19 A Around 12 o'clock to the best of my memory.

20 Q Could it have been earlier?

21 A Yes, it could have been.

22 Q Could it have been a little later?

23 A Yes.

24 Q When you arrived there, what did you and she do?

25 A Sat down at a table with some other people.

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Lipsky-direct

2 Q Do you know a man named Benny Febre?

3 A I do.

4 Q Did you know him at that time?

5 A Yes, I did.

6 Q Did you see him that evening?

7 A Yes.

8 Q Where did you first see him?

9 A Sitting at the table with Margie Jacklone and I
10 sat down.11 Q Did you know as of that time a young lady named
12 Patsy Parks?

13 A I knew her.

14 Q Was she a friend of yours?

15 A No.

16 Q Was she an enemy of yours?

17 A No.

18 Q Did you know her well?

19 A Not very well. Just casually.

20 Q Had you planned or expected to see her that evening?

21 A I had not. I did not.

22 Q Had you ever been in Patsy Parks' apartment?

23 A No.

24 Q Had she ever been in yours?

25 A No.

2 Q As of that time, February 3rd, did you know
3 where Patsy Parks lived?

4 A No.

5 Q To the best of your memory, had you ever telephoned
6 Patsy Parks on any occasions?

7 A No.

8 Q Had you ever had any intimate relations with
9 Patsy Parks?

10 A No.

11 Q To the best of your memory -- well, let me ask
12 you this: Did you see Patsy Parks that night at the
13 Hippopotamus?

14 A I did.

15 Q And to the best of your memory around what time
16 was it that you first saw her at the Hippopotamus on that
17 evening?

18 A To the best of my memory it was somewhere around
19 12:30, but I can't be exactly sure of the time.

20 Q Did you see her enter the Hippopotamus?

21 A Yes, I did.

22 Q Was she alone or was she with someone?

23 A She was alone. I believe she was alone.

24 Q What if anything did you observe her do when
25 she came into the Hippopotamus?

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2 A She went directly over to where Benny Febre
3 was sitting and sat down next to him.

4 Q Did you see them talking?

5 A Yes.

6 Q Did you hear anything they said?

7 A No.

8 Q Well, now, what is the next thing you saw either
9 of them do, if anything?

10 A The two of them got up and moved to another table
11 which was empty and they sat down and were speaking to
12 each other, in each other's ears.

13 Q Could you hear them at that time?

14 A No. No, sir.

15 Q And what is the next thing you saw either of them
16 do?

17 A Febre got up from that table, Patsy Parks remained
18 sitting at the table and Febre came over to me and said,
19 "This girl Patsy wants to talk to you."

20 Q When he said -- I'm sorry, did he say anything
21 further?

22 A He said "She wants to talk to you. She says it's
23 important. Go talk to her."

24 Q Did he say anything further that you remember?

25 A Yes. He said "She wants to talk to you, it's

1 lzh Lipsky-direct

2 important, go and talk to her," and I said something back
3 to him.

4 Q All right, what did you say to him, to your
5 memory?

6 A I said, "Well, I don't have anything to say to
7 her. I have nothing to say to her," whereupon he then said
8 to me, "Come on, come on."

9 He took me by the arm and said, "Go talk to her.
10 She says it's important."

11 Q And did you talk to her?

12 A I went over and I sat down at the table with
13 she and I and she spoke to me.

14 Q To your best memory now, what did she then say
15 to you and what did you then say to her, if anything?

16 A She said to me, "Barry, I've got to talk to Vinny."
17 I said, "Why?"

18 She said, "Two people came to my door and with
19 a paper with my name on it and it's a paper, has something
20 to do with a case, I believe. And I have to talk to him
21 tonight, it's urgent. I need him to tell me what to do."

22 Q What if anything did you reply to her?

23 A I said, "Listen, it's very noisy in here. The music
24 is very loud. Let's go out in the hall where the phone booths
25 are and we can talk out there."

2 Q Is that discotheque in fact a very noisy place?

3 A It was, yes. It was very noisy.

4 Q Did the two of you move out into the hall?

5 A We did.

6 Q Did you have a conversation with her there?

7 A Yes.

8 Q To your memory what did she say to you and what
9 did you then say to her?

10 A She said to me, "I want to call up Vinny, I've
11 got to talk to him. I was in my apartment and two men came
12 to the door and somebody answered the door and saw that my
13 name and Vinny's name was on a piece of paper and I need to
14 speak to him tonight, it's urgent and will you call him up
15 for me."

16 Q Incidentally, did you know as of that time a
17 person named Patsy Quinn?

18 A I do not.

19 Q As of that time had you ever heard of her?

20 A No.

21 Q Now, Mr. Lipsky, when Patsy Parks told you she
22 wanted you to call Pacelli concerning this paper, do you
23 recall what you said to her in reply?

24 A I said, "Well, he doesn't have a phone, Patsy.
25 Tell me what it is you want and I'll see him and I'll tell him

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2 tomorrow and he can come and talk to you about it tomorrow."

3 Q At that time when you told him that Pacelli
4 had no phone, do you know whether he did have a phone or not?

5 A Yes.

6 Q Did he have a phone?

7 A No.

8 Q Where was he living at the time?

9 A At 501 Pelham Road, apartment 2F, New Rochelle,
10 New York.

11 Q And if you know, under what name was he listed
12 in that apartment?

13 A Brant, I think.

14 Q That is B-r-a-n--- how --

15 A B-r-a-n-t, I believe.

16 Q So what did you say to Patsy Parks concerning
17 Pacelli having no telephone?

18 A I said that he had no telephone. I would tell
19 him what she told me, I said to her, "Patsy, tell me what
20 you want him to know or tell me and he will come and talk
21 to you tomorrow because he doesn't have a phone."

22 Q What did she say, if anything?

23 A She said, "No, no. It's urgent. I must speak to him
24 tonight. I've got to speak to him tonight. Go and get him."

25 So I then again tried to dissuade, persuade her

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2 that I could tell him tomorrow and he would come see her
3 tomorrow and she was adamant. She said, "No, no, you have
4 to go get him. I need to speak to him tonight."

5 So I said, "Oh, all right."

6 Q Did you leave the Hippopotamus?

7 A Yes, I did.

8 Q Before you left the Hippopotamus, did you have
9 a conversation with anyone else?

10 A Yes.

11 Q With whom?

12 A With Margie Jacklone and Patsy Parks.

13 Q Well, what did you say, if anything, to Margie
14 Jacklone?

15 A I said, "I've got to go somewhere out. If the
16 club closes, the Hippopotamus closes before I get back,
17 have Patsy go over to your apartment would you."

18 Q Did you tell her why?

19 A And I would come and meet the two of them over
20 there.

21 Q Did Margie Jacklone say anything in reply that
22 you can recall?

23 A She nodded her head, I believe, or she said she
24 would do it.

25 Q Well then, did you then leave the Hippopotamus?

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1 lzh Lipsky-direct 225

2 A I did.

3 Q Where did you go?

4 A I went out to the corner of 54th Street and
5 Third Avenue and got a taxicab.

6 Q As best you can, around what time do you think
7 you left the Hoppopotamus to find a taxicab?

8 A To the best of my memory, I think it was around
9 1:30, but I can't be exactly sure of the time.

10 Q And did you find a cab?

11 A Yes, I did.

12 Q Now, what is your present memory, if any, as
13 to the kind of taxicab you found?

14 A It was a yellow painted cab. One of those big
15 round top cabs with -- it said taxi on the top and the
16 yellow sign on the top and it had two jump seats. They
17 pulled up out of the floor in the passenger, in the back
18 passenger area. And it had a partition between the passenger
19 area and the driver area.

20 Q Did this cab take you to New Rochelle?

21 A It did.

22 Q During the trip do you recall, did the cab driver
23 have the meter on or did he have it off?

24 A My best memory, he had it off.

25 Q And did you have a conversation with him of any kind

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2 concerning how the cab was going to be paid paid?

3 A Yes. He said it was outside the city limits
4 so that was a flat rate, so much money. He named a figure.
5 We haggled over the figure a little bit and I forgot what
6 he said, \$12 or \$14, I don't remember exactly, and I said
7 all right, whatever it is, just go ahead. Drive.

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2 Q How long did it take you, as best you can estimate,
3 to reach New Rochelle?

4 A The best of my memory, it took about 25 to 35
5 minutes. I can't recall, exactly.

6 Q And where in New Rochelle did you have this
7 cab take you?

8 A On Pelham Road in New Rochelle, just next to a
9 Mobil gas station that was closed. I had him stop there.

10 Q Where was this with relation to Pacelli's
11 apartment house?

12 A Across the street. Just sort of on a diagonal
13 across the street from the rear of Pacelli's apartment
14 house.

15 Q From the rear of the apartment house?

16 A Yes.

17 Q Did you approach the apartment house?

18 A Yes.

19 Q Did you approach the front or did you approach
20 the rear?

21 A I approached the rear.

22 Q What did you do when you arrived there?

23 A I climbed up sort of a step through a parking lot
24 and was on some grass area under a window, and I picked
25 up some pebbles and tossed the pebbles up against a

1 2 lzmch Lipsky-direct

2 window which was, as I recall, the bedroom window, a
3 second-floor bedroom window.

4 Q When you say "bedroom window," you mean of
5 Pacelli's apartment?

6 A That is correct.

7 Q What was it, if anything, that happened when
8 the pebbles hit the window?

9 A few seconds thereafter, the curtains were pulled
10 back and there were two women looking out.

11 Q Can you tell us who they were?

12 A Yes. Beverly Pacelli and Ida Bracer.

13 Q Who is Beverly Pacelli?

14 A Pacelli's wife

15 Q Do you know her maiden name?

16 A. Talaba

17 Q Who is Ida B. Wells?

18 The author

19 Q And Al Bracer is the gentleman you mentioned
20 earlier as being one of Pacelli's narcotics partners?

A That's right.

22 Q What happened after they came to the window?

23 A I made a motion of this type, that I wanted to
24 come in, and I went around to the front of the apartment
25 and I rang the buzzer, and from the inside the buzzer was

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2 rung by someone and the door opened and I went upstairs.

3 Q Did you enter the apartment?

4 A Yes, I did.

5 Q Who was there in the room that you entered?

6 A Pacelli, Al Bracer, Pacelli's wife, Al Bracer's
7 wife, and Barbara Jalaba.

8 Q Who is the last person you mentioned?

9 A Barbara Jalaba is the sister of Beverly Pacelli.

10 Q Well now, when you entered the room with
11 those people in it, did you and Pacelli have a conver-
12 sation?

13 A Yes.

14 Q I want your best memory on everything you can
15 presently remember on what it is that you then said to
16 Pacelli and what Pacelli then said to you.

17 A I said to Pacelli, "The girl Patty is down at
18 the Hippo and she wants to see you. Some people came to
19 her apartment and they had a paper with your name on it
20 and her name on it, and she is down there and she wants
21 to see you and have you tell her what she is supposed to
22 do."

23 And Pacelli said to me, "It's that box. It's
24 that God-damned box. She has been to the grand jury and she
25 ratted me out." And then he made a motion, he went like

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2 this. "I know what I have to do."

3 And at that point Al Bracer took the three women
4 and told them to go into the bedroom.

5 Q Well now, to the best of your memory, did Al
6 Bracer send the women into the bedroom before or after
7 Pacelli hit his hand and said, "I know what I have to do"?

8 A To my best memory, he may have sent them in
9 the bedroom before, but I'm not absolutely sure.

10 Q Now, after Pacelli hit his hand and said that
11 he knew what he had to do, what is the next thing he
12 said, if anything?

13 A He said to Al Bracer, "Do you want to go with
14 me?"

15 Q What did Al Bracer say?

16 A He said, "No."

17 Q And then what did Pacelli say?

18 A He said to me, "Barry, do you want to go with
19 me?"

20 Q What did you say?

21 A I said, "Yes."

22 Q And then what is it that Pacelli did?

23 A He proceeded to get dressed.

24 Q And when he did, what did you and he do?

25 A We left the apartment together, he and I.

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2 Q When you left the apartment, did you leave in a
3 car?

4 A We did.

5 Q And what is this car that you left in?

6 A It was a 1972 Plymouth Fury 3 model, dark green,
7 with New York plates, black vinyl top and black interior,
8 a four-door model.

9 Q Whose car was this?

10 A Pacelli's car.

11 Q Well now, did he own it or did he rent it or did
12 he obtain it in some other way?

13 A It was a rented car.

14 Q Do you know of your own knowledge how long he
15 had this rented car?

16 A The best of my memory, he had it a couple of
17 months.

18 Q Had you been in it before?

19 A Yes, I had.

20 Q With Pacelli?

21 A Yes.

22 Q Do you remember anything concerning the license
23 plate number on the car?

24 A It was New York plates. I believe there was a
25 Z as one of the letters, and the last three numbers were

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either 716 or 617, to the best of my memory.

3 Q When you and he got into the car, who was
4 driving?

5 A Pacelli was.

6 Q And where did you and he proceed to in this car?

A Down the Hutchinson River Parkway and toward
New York City.

9 Q Did you halt anywhere along the way?

10 A We did.

11 Q Where?

12 A At a gas station on the FDR Drive southbound,
13 and he pulled up on the service road out of sight of
14 the gas station.

15 Q Before he halted the car there, did he tell you
16 anything?

17 A Yes.

18 Q What did he say to you as you remembered it?

19 A He said, "Go into the gas station and buy a
20 couple of gallons of gas and then come back to the car."
21 And he gave me a \$10 bill for this, to buy the gas with.

Q Did he tell you anything else concerning the
gasoline?

24 A Yes.

25 Q What did he say?

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2 A He said he needed the gasoline to burn up her
3 body.

4 Q After he told you this and halted the car --

5 MR. EDWARDS: Pardon me. Withdrawn.

6 Q Did you say anything to Pacelli to discourage
7 him from obtaining this gasoline?

8 A I did not.

9 Q When he told you this, what did you do?

10 A I went into the gas station and --

11 Q Did you see anybody there?

12 A Yes. A young attendant, a man.

13 Q Did you purchase any gasoline?

14 A Yes.

15 Q Do you remember at present how much?

16 A My best memory, I bought two one-gallon cans
17 of gasoline, and the man, the attendant pumped the gas into
18 the two cans. I paid him for them and I walked back to
19 the car.

20 Q Where was Pacelli at this time?

21 A Down by the Plymouth, down on the service road
22 south of the gas station out of sight of the station.

23 Q This Plymouth was the same car that you and he took
24 from his apartment?

25 A That's correct.

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2 Q When you arrived back at the car, did you have
3 another conversation with Pacelli?

4 A Yes.

5 Q And what did he then say to you?

6 A He said --

7 Q Which you remember.

8 A Which I remember?

9 Q Yes.

10 A He said to me, "No, that's not enough. Go back
11 and get more."

12 Q What did you then do?

13 A I went back to the gas station and I bought two
14 more gallons of gas in the same type cans and gave it -- and
15 paid the man and took the cans and walked back to where
16 Pacelli was standing next to the trunk of the car.

17 Q While this was happening, did you have any
18 conversation with the man in the gas station?

19 A I believe I did.

20 Q Do you remember what it was?

21 A Yes. He asked me, "What happened to your car?"

22 And I said, "Well, we just ran out of gas down the
23 drive a little bit."

24 This is the best I can recall.

25 He said, "Can I help you with a car, or come down

1 9 1zmch Lipsky-direct

2 and fill up your tank or something?"

3 I said, "No, no, this will be fine. I'll take
4 care of it. Thank you."

5 Q Did you pay for this gasoline by check or by
6 cash or how?

7 A Cash.

8 Q When you returned to the car with this second
9 load, what then did you do with the gasoline?

10 A Pacelli had the trunk open and we put the second
11 two cans in with the first two cans, made sure the tops
12 were on tight, and slammed the trunk of the car. And we
13 got back in the car.

14 Q And then where to?

15 A He drove down the Drive and got off at the 53rd
16 Street exit and drover over towards 54th Street and Third
17 Avenue.

18 Q While you were driving along, did you have any
19 further conversation with him?

20 A Yes.

21 Q To your memory now, what did he say to you and
22 what did you say to him?

23 A He said to me, "You go into the club" --meaning
24 the Hippopotamus -- "and you get Patsy and tell her
25 where I will be parked, up by 54th Street and Lexington

1 10 lzmch Lipsky-direct 235
2 Avenue by the church. And you tell her to wait ten minutes
3 and then come out and come to the car. Tell her what the
4 car looks like, and I will be here."

Q Was there any conversation in the car concerning anything that would happen in the car after Patsy Parks came?

B A Yes

9 What do you remember being said?

A Pacelli said to me, "Later on I am going to pretend to make a phone call, and when I do this, I will get out and pretend to make this phone call. You will know then that I want you to go behind the wheel and drive the car. That will be the signal for us to switch drivers."

15 Q Is that all he said concerning a signal or did
16 he say something else concerning a signal?

17 A He said it would be a phony phone call. He would
18 pretend to make a phone call and he would pretend
19 to make a phone call and I would -- he would then come
20 back to the car and I would drive and I would take over
21 the driving of the car.

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1 jqmch Lipsky-direct

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2 Q Did he say what the purpose of the signal was?
3 The purpose of the phony phone call.

4 A To the best of my memory, I am not sure. I think he
5 said that is when he was going to do whatever he was going
6 to do.

7 Q When he told you to return to the Hippopotamus
8 to give this information to Patsy Parks as to where he
9 was parked, and so forth, did he tell you to do anything
10 else in the Hippopotamus when you returned there?

11 A Yes.

12 Q What did he tell you to do?

13 A Pick up some matches.

14 Q As of that time, were you a smoker?

15 A No, sir.

16 Q Did you carry matches?

17 A I did not.

18 Q Was Pacelli a smoker?

19 A No, sir.

20 Q Did he carry matches, to your knowledge?

21 A Not to my knowledge.

22 Q Did you return to the Hippopotamus?

23 A I did.

24 Q What is your estimate as to how much time elapsed
25 between the time you left the Hippopotamus to travel up

1 2 jqmch

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2 to Pacelli's house and the time that you arrived once
3 again in the Hippopotamus?

4 A To the best of my memory at this time, between
5 an hour and an hour and a half, an hour and a half at
6 the outside, to the best of my memory now.

7 Q And around what time is it that you think you
8 returned to the inside of the Hippopotamus?

9 A Around 2:00 o'clock, 2:00 to 2:30, to the best
10 of my memory.

11 Q Could it have been later?

12 A Yes, it could have been.

13 Q Could it have been earlier?

14 A Yes, sir.

15 Q When you returned to the Hippopotamus, did you
16 find Patsy Parks?

17 A I did.

18 Q Did you have a conversation with her?

19 A I did.

20 Q And to your memory, what did you say to her and
21 what did she say to you?

22 A I sat down next to where she was sitting and
23 I said, "Patsy, Vinny is in his car," and I described the
24 car to her, the Plymouth, "Up at 54th Street and Lexington
25 Avenue by the church. Wait a few minutes and go up

1 3 jqmch Lipsky-direct 238

2 and get in the car. Go up and meet him."

3 Q What did she do?

4 A She sat where she was for a few minutes, and then
5 I remember her getting up, and I think I recall her saying
6 "good-bye" to somebody, and taking her coat and leaving
7 the doorway of the club, the inside doorway.

8 Q Do you remember who she was sitting with at that
9 time?

10 A When I spoke to her she was sitting at a table
11 with a man I knew, named Matthew, and some other people that
12 I don't recall.

13 Q Do you know what Matthew's name actually is?

14 A I think his name is Martin Benkovich

15 Q Were there a number of people there at the Hippo-
16 potamus that evening that you knew?

17 A Yes, sir.

18 Q Is it fair to say that you went there quite
19 often?

20 A Quite often.

21 Q And that there were a number of what you might
22 call regulars there?

23 A That is correct.

24 Q These were people whom you knew?

25 A That is correct.

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2 Q Who were some of these people?

3 A Margie Jacklone, Patsy Parks, Benny Febre,
4 Matthew.

5 Q Was there a man named Conti there that night?

6 A Yes, he was.

7 Q Was he there often?

8 A On and off, not that often. He was there
9 sometimes, but he didn't normally hang out there.

10 Q Did he know these so-called regulars?

11 A Yes, he knew Febre and Margie Jacklone.

12 Q What is Conti's first name, if you know?

13 A Mickey.

14 Q You said Patsy Parks was there for a few minutes
15 talking to somebody and then she left; is that correct?16 A To my best memory now, she leaned over and said
17 "good-bye" to someone and then she left. She stayed
18 the ten minutes that I instructed her to stay.19 Q Were you able to tell, as of the time she
20 was leaving the Hippopotamus whether she was to any degree
21 intoxicated?

22 A When she left the Hippopotamus?

23 Q Yes.

24 A No, I wasn't able to tell at that time.

25 Q As of that time, did she seem perfectly in

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1 5 jqmch Lipsky-direct 240

2 control of herself, as far as you could tell?

3 A She did. That is, as far as I could tell.

4 Q Did you say anything to her to in any way
5 discourage her from meeting Pacelli that night?

6 A I did not.

7 Q Did you do anything to attempt to prevent her
8 from meeting Pacelli that night?

9 A I did not.

10 Q Did you tell her anything concerning the fact
11 that you and Pacelli had been up purchasing gasoline?

12 A I did not.

13 Q After she left the Hippopotamus, what did you
14 do?

15 A I sat down at the table where I originally was
16 sitting, the beginning of the evening, across from Benny
17 Febre, and there were some other people still sitting
18 at the table; some of the original group had left and some
19 other people sat down.

20 Q Do you happen to remember who some of these
21 other people were who were still sitting there?

22 A I think Margie Jacklone was still sitting there
23 or bouncing around the Hippopotamus somewhere. I am not
24 sure if a man named Aaron Shaw and a girl named Tony Star
25 were sitting there, and there was a man named Carl

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1 6 jqmch Lipsky-direct

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2 Schlossberg. He was there earlier, I believe. I don't
3 remember exactly if he was there when I came back.

4 And there was a man named Jay Kaufman and his wife were
5 there at one point in the evening. I don't remember if
6 they were there when I returned.

7 Q How long did you remain in the Hippopotamus after
8 Patsy Parks left?

9 A Approximately ten minutes.

10 Q Then what did you do?

11 A I had asked the waitress for my check. I had
12 a check there, and I paid it, and I got up and I left.

13 Q As you were leaving, did you have a conversation
14 with this man, Mickey Conti?

15 A I believe I had a conversation with him.

16 Q I am not asking you what was said. I am simply
17 asking if you remember talking to him as you left.

18 A The best way I can explain that, I believe I had
19 a conversation with him either when I left to go and get
20 in the car with Pacelli and Patsy Parks, or when I first
21 left to get in the cab. I can't be sure of when I had this
22 conversation with him.

23 Q After you left the second time, where did you take
24 yourself?

25 A I went up to 54th Street and Lexington Avenue and

1 7 jqmch Lipsky-direct 242

2 got into the car with Patsy Parks and Pacelli in it.

3 Q Who was in front and who was in the rear?

4 A Pacelli was behind the driver's wheel and Patsy
5 was sitting in the right seat, the front, and I got in
6 behind Patsy, the back seat.

7 Q Then what happened?

8 A Pacelli proceeded to drive away.

9 Q Where to?

10 A He drove over the 59th Street Bridge and out through
11 a section of Queens, I believe.

12 Q As the car was driving along, could you hear
13 any conversation between Pacelli and Patsy Parks?

14 A Yes.

15 Q Were you able to tell at this time in the car
16 whether she was to any degree intoxicated?

17 A She seemed to be -- to have had a few drinks,
18 but she didn't seem totally drunk. She seemed a little
19 bit high.

20 Q When the car was driving along and they were
21 talking, I want you to tell us, as to your memory, everything
22 that Pacelli was saying to her and everything that she
23 was saying in reply.

24 A As I recall, Pacelli said to her -- I don't
25 remember the order or the sequence of what was said first,

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2 but he was telling her -- she said something about the
3 people coming to her house with a subpeona or a piece
4 of paper or subpoena. I forget what word was mentioned.

5 He said, "I think that has something to do with
6 a case of mine which may be coming up soon, and I think
7 it's about that box." He mentioned something about a
8 box.

9 Q Were there any names that they mentioned in the
10 conversation?

11 A Yes.

12 Q What names do you remember them mentioning then?

13 A Elisa Possas and Jimmy Pappadokus.

14 Q Aside from saying that the case was coming up
15 and that something was said concerning the box, what else
16 do you remember Pacelli saying to her and she saying to him?

17 A Pacelli said to Patsy, "Listen, I got this case
18 coming up, I think. I have got a bunch of money with
19 me and we are going to drive out to the airport and I will
20 give you a bunch of money and you go away. Where do you
21 want to go? Do you want to go to South America? Do you want
22 to go to Brazil or do you want to go to California?
23 Because you have to go away now for awhile and I will let
24 you know when it's all right to come back."

25 Q And was she saying anything in reply to this?

1 9 jqmch

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2 A Yes. She said, "Well, Vinny, I have got this
3 job and my child. How can I just pick up in the middle
4 of the night and just leave? Why do I have to go? I have
5 got this job and I just can't -- why do I have to just
6 pick up and leave and go, go away, and how am I going to
7 do that?"

8 He said again, "I have this bunch of money and
9 I will send you money wherever you go, and we will go
10 right now to the airport and wait for a plane and you
11 will go away wherever you choose to go, and I will give
12 you the money and you will stay until I tell you it's
13 okay to come back and everything is cooled off."

14 Q Did she say anything further, or was she saying
15 anything further?

16 MR. EDWARDS: Withdrawn.

17 Q Let me ask you this: Did she ever say, "Okay,
18 let's go to the airplane"?

19 A No, she didn't.

20 Q What was she saying, as best you can recall?

21 A Why was it necessary for her to go away because
22 she had this new -- I think she said, "I have this new job
23 and my child."

24 Q You already told us this.

25 Did she say anything further concerning her

1 10 jqmch Lipsky-direct

2 relations with Pacelli or his family?

3 A Oh, she said, "Vinny, you know I would never
4 hurt you or Beverly. I love you both. You are both my
5 dearest friends," and she moved over in the seat and she
6 gave him a kiss on the cheek.

7 Q How long was this conversation going on in the car
8 as you were driving out to Long Island or on Long Island?

9 A I am not exactly sure but I think it was about
10 an hour, more or less. I was sort of dozing in the back
11 seat.

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1 jqh 1 Lipsky-direct

T4B 2 Q Would you say that they were talking constantly
3 or only occasionally or what?

A It was a conversation that went back and forth.
They were talking most of the time, most of the time.

6 Q Was there any conversation in which Pacelli
7 asked her concerning things that either had or hadn't
8 happened to her in the past?

9 A Yes

10 Q. What do you remember along those lines?

11 A I remember Pacelli asked Patsy "Have you ever
12 been fingerprinted" and she said "No."

13 Q Anything further along those lines that you
14 can remember now?

15 A No. I can't remember

16 Q Mr. Lipsky, you mentioned earlier that Pacelli
17 was saying to her that he wanted her to go to South America
18 and he was driving to the airport and so forth

Was there any conversation or questions concerning
passports or visas or anything like that?

A I am not 100 per cent sure.

Q Do you remember any such conversation?

23 A There may have been a conversation that she
24 didn't have her passport with her and then the subject
25 switched that all right --

1 jqh 2

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2 Q Do you remember any such conversation? You
3 are saying there may have been. Do you remember any such
4 conversation?

5 A I don't remember it, to the best of my memory.
6 I don't exactly remember a conversation about a passport
7 but I do remember him saying that she would go to Brazil
8 or South American or California, you pick where you want
9 to go.

10 Q After you were driving along and this conversation
11 was going along -- withdrawn.

12 I think you said you were dozing part of the time,
13 is that correct?

14 A That is true.

15 Q When you were sitting in the rear could you hear
16 everything of what they were saying or only part of what
17 they were saying or what?

18 A Part of what they were saying.

19 Q After a while was the car halted?

20 A Yes.

21 Q Where?

22 A I am not sure. It was off of a main highway
23 and on a secondary road and Pacelli drove down this dirt
24 road with a big puddle of water in it. He stopped the car
25 and started to back out and Patsy Parks said "If you drive

1 jqh3

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2 in there we will need a snorkle to get out there is so
3 much water."

4 We backed out of there and drove another minute
5 or so on another little street until we came to an outdoor
6 phone booth, a red and silver outdoor phone booth out in
7 the middle of some vegetation, off the side of the road.

8 Q What did he do there?

9 A He pulled the car up and put the car in park
10 and he said he had to call a friend of his and switch cars.

11 Q And switch cars?

12 A And get another car.

13 Q Did he say why?

14 A I am not exactly sure. I don't remember exactly
15 if he said because that car was hot or he just wanted to
16 get another car.

17 Q Do you remember him saying anything concerning
18 why he wanted to change cars?

19 A No. I remember him saying he wanted to call up
20 a friend of his who lived nearby and change cars.

21 Q And then what did he do?

22 A He got out of the car and he went into the phone
23 booth and picked up the phone and the receiver and made
24 this phony phone call or pretended to make a phone call,
25 as he told me he was going to do previously.

1 jqh4

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2 Q Well, when he was actually in there, aside
3 from him having told you it was a phony phone call could
4 you really see whether it was a phony phone call or not?

5 A I could not.

6 Q What happened after he was in the phone booth?

7 A He remained there about a minute or less and
8 he came back out and he came around to the front right
9 door of the car where Patsy was sitting and he opened
10 the door and he attempted to get into the front of the car
11 and he said, "Barry, you drive, I am tired. You drive for
12 a while." Patsy said, "Vinny, it's too crowded in here,
13 I have my coat and everything on, it's too crowded, sit in
14 the back."

15 He said "All right," and he got in the back behind
16 Patsy Parks and I got out of the back seat and walked around
17 the car in the back and got in behind the wheel.

18 Q After you got in behind the wheel what did you do?

19 A I put the car in drive from park and was just
20 beginning to turn the wheel to the left and the wheels
21 were just barely rolling, just barely moving when there was
22 a struggle to my right and Pacelli was raised up over the
23 back seat and he had, I believe, one arm, his left arm around
24 Patsy Parks' head and he stabbed her in the throat with a knife
25 She curled up into a ball in the front seat and put her hands

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1 jgh5

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2 up in front of her face to protect her and curled up into
3 a ball and she said, "Vinny, Vinny, don't hurt me, my child,
4 I am a mother."

5 Pacelli said, "What? Are you kidding? Die you
6 bitch," and he proceeded to strike her numerous times in
7 the chest that sounded like punches with a knife. Then
8 she slumped over in the front seat with her head towards
9 the right-hand front door and he had been leaning over
10 the front seat and he went like this and said "She is dead."

11 Q Then what did he say or what did he do?

12 A He said "Quick, quick, my glasses, she yanked
13 off my glasses." They were down the floor there somewhere,
14 "Get my glasses, I can't see."

15 I reached down. I don't remember if I turned
16 on the light on the floor of the car or not, and I picked
17 up these lenses and a pair of glasses and handed them to him
18 and I think he put the lenses back in the glasses. Then
19 after he put them back, the glasses, he said "Quick, drive
20 to the place where we just were" and I said "What place?"
21 And he said "The place where we just were with all the
22 water," and I said "Where was that, I can't remember where
23 that was" and he said "Just drive around here and I will
24 find a proper spot."

25 I drove for two or three or four minutes and he

1 jqh6

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2 said "That place will do fine" and we drove into this road
3 a dark area, I believe, and turned right and he said "Pull
4 up over there to the side of the road and turn the lights
5 off" and I did so.

6 Q Then what happened?

7 A I put the car in park and he said "Get the gas
8 out of the trunk and bring it to me." I went around and
9 unlocked the trunk and got two cans of gas and took the tops
10 off and left them in the trunk and came back over towards
11 the front of the car where he had taken Patsy Parks' body
12 out of the front seat of the car and slung it on the side
13 of the road.

14 He says "Give me the gas" and I handed him the
15 two cans of gas. And he poured the gasoline over her. He
16 said "Take these two empty cans back and get me the other
17 two", and I took two empty cans back to the trunk and brought
18 him the other two cans of gas. And he dumped those two cans
19 of gas over her. Then I took those two, the last two cans
20 of gas back to the trunk and slammed the trunk and came back
21 to where he was standing.

22 Q And then did you have a conversation with him?

23 A Yes.

24 Q And what did he say to you and what did you say
25 to him?

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2 A He said to me "Barry, I have got gasoline all
3 over my gloves and my coat, light a match and drop it."

4 Q What did you do?

5 A I lit a match and dropped it.

6 Q What happened?

7 A Flames flew up about 20 feet or so.

T5A 8 Q These were the flames from her body?

9 A That's right.

10 Q And, Mr. Lipsky, let me ask you this. In the
11 entire time that night from the time that you arrived at
12 Pacelli's house until the time you lit the match and flung
13 it on her, did you say a single thing in any effort to
14 discourage Pacelli from murdering this girl?

15 A No, I did not.

16 Q And in that entire time from the time you arrived
17 at Pacelli's house to the time you lit and threw on the
18 match, did you try to do anything to discourage Pacelli
19 from killing her?

20 A No, I did not.

21 Q All right, what happened after you set the body
22 on fire?

23 A I was standing there looking at the flames.

24 Pacelli said to me, "Come on, come on, quick get in the
25 car, let's go."

1 lzh2

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2 So I got back behind the wheel and he got in
3 the car and I started to drive away. I put the lights on.
4 And he said, "How many gas cans, empty cans did you throw
5 in the trunk?"

6 I said, "Four, I think."

7 He aid, "Stop the car."

8 I stopped the car and I got out and I went back
9 and opened the trunk and there were four cans in there
10 and I told him -- I do not remember if he got out with me.
11 I think he did. I can't remember for sure. And we slammed
12 the trunk because all four cans were in the trunk with the
13 tops to the cans and he said, "It's good, if we had left
14 one can out there we would have to go back and get it
15 because your fingerprints would be on that can."

16 Q And then what happened?

17 A Then I proceeded to drive and he said, "Let's
18 get out of here, let's find the way back to the city, let's
19 get out of here."

20 I said, "I don't know where I am. Let's find,"
21 we found some highway and we started to drive and there
22 was no, there were no familiar signs and after driving
23 a couple of miles, I think, there was a gas station off
24 the highway, off the main highway and we pulled into the
25 gas station. I pulled the car into the gas station and stopped

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1 lzh3 Lipsky-direct

2 the car and got out and went over and there was an attendant
3 who was sleeping and I woke him up and asked him, "How do
4 you get back to New York," and he pointed in some direction
5 on the highway and I went back to the car--

6 Q Let me ask you this: Since you were there, have
7 you been able to identify this place since?

A The gas station?

9 0 Yes

10 A No. sir

11 Q All right, after you returned to the car, where
12 is it you went?

13 A I got back in the car and then Pacelli said
14 he will drive. He got behind the wheel and he drove and I
15 sat where he had been sitting in the front seat in the right.
16 And he proceeded to drive back toward New York.

Q Any conversation in the car while you were returning
18 to New York?

19 A Yes

Q Do you remember what he said and what you said?

A Yes. He said, "Listen, when you get back to
your apartment, clean it up real good and read about this
and see what comes up in the newspapers. and read the
articles but don't save any newspaper clippings. And also
remember this, that in New York they need two to prove murder.

1 lzh4

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2 so there is nothing to worry about. It takes two people
3 to testify to prove a murder."

4 Q Anything else that you can remember now?

5 A "Don't ever go back to the Hippopotamus," he told
6 me never go back to the Hippopotamus again.

7 Q What were you saying, if anything, all this time?

8 A I was listening. I wasn't saying anything.

9 Q Where did you proceed to in the car?

10 A Drove on some highway until we came, unfamiliar
11 to me, until we got back into lower Manhattan and drove up
12 First Avenue and it was getting to be early in the morning
13 and we pulled into a --

14 Q Pardon me. You mentioned it was becoming early
15 in the morning. Let me ask you at this point as best you
16 can around what time was it when Pacelli killed her and
17 you set her on fire? Around what time was that?

18 A I think it was some time after 5 in the morning.
19 I'm not certain.

20 Q All right, now I'm sorry, you were saying you
21 were on your way back to New York and it was becoming
22 early in the morning. Then what happened?

23 A He pulled the car into -- we needed gas. He
24 pulled the car into a Texaco station at 36th Street and
25 First Avenue. The gas station. He told the man to fill it up.

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1 lzh5

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2 I had Patsy Parks' pocketbook in the car, so
3 he said, "Go through the pocketbook and see what's in
4 there," and I went through it. I said, "There is a \$20
5 bill."

6 He said, "Stick it in your pocket, keep it."

7 I said, "Here is a cocktail napkin with Benny
8 Febre's phone number on it and his name."

9 He said, "Tear that up and take all the other
10 junk in there, notebooks and things like that and get out
11 of the car and throw them into the gas station's trash can
12 which is right there between the gas pumps," and he said,
13 "Don't throw the pocketbook away, just stick that under'
14 the seat for now."

15 Q Did you follow these orders?

16 A Yes, I did.

17 Q Then what happened?

18 A We got the gas and we left the gas station. He
19 drove back up toward the area of his apartment in New Rochelle.

20 Q When you reached the area of the apartment in
21 New Rochelle, where did you first proceed to?

22 A He turned right off of Pelham Road and drove a
23 few blocks down the street until we came to an area which was
24 fronted by a body of water. It seemed to be a bait and tackle
25 place or a place where you rent boats. And he stopped the

1 lzh6

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2 car and it was broad daylight at this time and he said
3 to me, "Here, put on my gloves," and he took his gloves off
4 and gave them to me and I put them on.

5 He said, "Take this knife," and he produced the
6 knife from somewhere in the open position with the blade
7 open and he said to me, "Go up to the edge of that water
8 and toss the knife out there as far as you can."

9 Q When he handed you this knife, had you seen this
10 knife before?

11 A Yes, I had.

12 Q Where had you seen it before?

13 A I had seen it up in his apartment, in two different
14 apartments he lived in. When he would get undressed, he
15 would take his money and his change and his identification
16 his wallet, and he would take the knife out from where--
17 his pocket, I believe, and place it on top of the TV set
18 or the bureau with the money and change and ID from his
19 pocket of his pants.

20 Q What description, if any, can you provide us
21 with of the knife?

22 A Well, it was an aluminum colored knife, silver
23 colored knife of one blade, I think. On one end it had
24 a sort of a ring like you could -- so you could hook it
25 to a chain or something and it was about that long.

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2 Q When you say it's that long --

3 MR. EDWARDS: Indicating, your Honor, if I may,
4 approximately 4 inches or 5 inches --

5 Q -- are you describing the blade or the whole
6 thing? The blade or the whole knife?

7 A The knife in the closed position with the blade
8 closed, the whole knife was about that long.

9 Q Anything further you can tell us concerning the
10 knife?

11 A Yes. To the best of my memory, it had some
12 numerals on it. I believe it said K-55. The K with the
13 dash and a 55 after it.

14 It also had the insignia or a stamp of what
15 I think was a black panther on it.

16 Q When he handed you the knife, what did you do
17 with the knife?

18 A I took it with the gloves on and got out of the
19 car and stepped over this chain that was there, walked up
20 to the edge of the water and tossed the knife in with
21 my right hand, underhanded, out into this body of water.

22 Q Do you know around how far you tossed it?

23 A To the best of my memory, 20 to 25 feet.

24 Q As far as from you to me now?

25 A I would say further.

1 2 lzmch

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2 Q Further?

3 A I think so.

4 Q Was the water there when you threw it?

5 A Yes, sir.

6 Q Did it land in the water?

7 A It did.

8 Q Okay.

9 After you threw the knife in the water, then
10 what happened?

11 A I went back and got back in the car.

12 Pacelli said, "Take those gloves and try and
13 tear them up as best you can." And I took the gloves off
14 and I tried to tear the leather gloves, one finger from
15 another, and I tore them apart pretty good, and he drove
16 back into the area of his apartment, a couple of blocks
17 away, and he said, "Get out of the car and throw those gloves
18 into a trash can," and I got out and did so.

19 Q Then what happened?

20 A I got back in the car and we went and parked
21 the car in the parking lot of his apartment building, and
22 he went upstairs and told me to take Patsy Parks' pocketbook
23 with me upstairs, which I did so under my coat.

24 And as he was opening, getting ready to open the
25 door to his apartment, he said, "Take the pocketbook and

1 3 lzmch

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2 and go down the hall and throw her pocketbook down the
3 trash chute," and I did this and then I came back to his
4 apartment, and the door was open, and his wife was standing
5 there in a robe.

6 Q Was there a conversation that took place with
7 you and Pacelli and Pacelli's wife standing there?

8 MR. DUKE: Objection.

9 THE COURT: Overruled.

10 A Yes.

11 Q To your memory, what did you say, if anything,
12 and what did Pacelli say, if anything, and what did Beverly
13 Pacelli say, if anything?

14 A Pacelli said, "Beverly, look Barry and I both
15 over, look all over our clothes and in the back and see
16 if there is any blood."

17 And we turned around and she looked and she
18 said, "No, none that I can see."

19 And he said to her, "Listen, they are going to be
20 coming, so if you have any grass or any coke or any money
21 in the house, if we have any money in the house, get it
22 all together, we're going to get it out of here because
23 they will be coming here."

24 He then handed me his boots with zippers that
25 he had been wearing and told me to take them and throw

1 4 lzmch

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2 them down the trash chute at the end of the hall where
3 I had thrown Patsy Parks' pocketbook, and I did this.

4 And I returned to the apartment.

5 Q When you returned from doing this, then what
6 happened?

7 A Pacelli said to Beverly, "Listen, give us some
8 cleaning equipment. We got to go out and clean the car."

9 And she went in the kitchen and got some cleaning
10 equipment, paper towels, a roll of paper towels, some
11 disinfectant, this type of thing, and a brush and some
12 Ajax, I think, and liquid and some cleaning equipment and
13 gave it to the two of us, and we carried it down to the
14 car and put it in the front seat of the car, and he drove out
15 of his parking lot and he drove to an area where there was
16 this little house surrounded by a fence, which was also on
17 a large body of water, where there was a sort of a parking
18 lot, and it was bright daylight now; somewhere, I think,
19 around 7:00, 7:30 in the morning, but I'm not sure.

20 And he told me to start to try and clean the
21 blood from the car, clean the blood from the car. I
22 started to clean the rug and the right front seat and the
23 step panel or wherever you get in the car, where there
24 was some blood, and as I was doing that, Pacelli opened
25 the trunk of the car and took the gas cans, the four gas

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2 cans out and went over to the fence where the water was
3 and threw the cans into the water.

4 Q Were they empty or full?

5 A The cans were empty.

6 Q Did they sink or float, if you know?

7 A My best memory, they floated.

8 Q Then what did you do?

9 A We had finished cleaning up the car. We got
10 back in the car and drove back to the vicinity near his
11 apartment, and he said, "Listen, take all these paper towels
12 with all this blood and stuff on them, and throw them
13 in one of these trash barrels over here," a few blocks
14 from his apartment.

15 I got out and I went over to the trash barrel and
16 I shoved the rags with the blood all the way down to the
17 bottom, and he said to me, "I didn't tell you to shove them
18 all the way to the bottom. I just told you to throw them
19 in there."

20 I got back in the car and we went back upstairs
21 into the apartment after he parked the car in the parking
22 lot of his apartment again.

23 Q And then what happened?

24 A We entered the apartment and I think Barbara
25 Jalaba was awake then.

1 6 1zmch

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2 Q Barbara Jalaba is who?

3 A Vincent Pacelli's sister-in-law.

4 Q His wife's sister?

5 A Correct.

6 Q Okay.

7 You say she was there?

8 A Yes.

9 Q Then what happened?

10 MR. DUKE: Objection, your Honor. I think the
11 question should be more precise.

12 THE COURT: No, that's all right.

13 A Pacelli said, "You will sleep over here tonight.
14 Beverly, get Barry a blanket and a pillow. Sleep here
15 on the living room rug, which is thick," and he said,
16 "I'm tired and I am going to bed."17 He went downstairs and Abby Perez was sleeping
18 downstairs.19 Q What was Abby Perez doing in the house, if you
20 know?21 A He was just sleeping there. I think it was with
22 Barbara Jalaba.

23 Q After Pacelli went downstairs, what did you do?

24 A I walked downstairs and Pacelli and Perez
25 were having a conversation. When I walked in they stopped,

1 7 lzmch

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2 and I walked back upstairs and I was tired, and I took off
3 my shirt and pants and got the blanket and laid down on
4 the floor and went to sleep.

5 THE COURT: All right. We will take a short
6 recess.

7 (Recess)

8 (In open court; jury present)

9 MR. EDWARDS: May I continue, your Honor?

10 THE COURT: Yes.

11 Q I think when we recessed, you were just going
12 to sleep, is that correct, in Pacelli's apartment?

13 A Yes.

14 Q Now, did there come a time later when you woke
15 up?

16 A Yes, sir.

17 Q And when you woke up, was there a conversation
18 in progress?

19 A Yes, sir.

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2 Q Who was talking?

3 A Beverly Pacelli, Barbara Jalaba and Vincent
4 Pacelli.5 Q To your memory, where were these people when
6 you woke up? Where were they talking?

7 A In the living room where I was sleeping.

8 Q What were they saying? What was each of them
9 saying, as you remember?10 A I think it was Beverly was saying to Pacelli,
11 "You guys did a real lousy job of cleaning up that car
12 because Barbara and I had to go to the market and we had to
13 go down and spend another hour cleaning the blood out of
14 that car."

15 Q Did Pacelli say anything?

16 A I don't recall what he said, if he said anything
17 at that point.

18 Q What is the next thing that happened?

19 A He said, "All right, everybody get dressed.
20 We are going to go and return the car."

21 Q Then what happened?

22 A Everybody got dressed. I got dressed and
23 Pacelli and Beverly and Barbara and Abby Perez, who was
24 sleeping downstairs, got up and Abby went and drove his
25 Thunderbird and Barbara Jalaba and Pacelli went with him

1 2 jqmch Lipsky-direct 266
2 in his Thunderbird, and Beverly Pacelli drove the murder
3 car, and I sat in the right front seat of them, the same
4 Plymouth, the murder car, and we followed the first car,
5 Abby Perez' Thunderbird down into the Bronx.

6 Q You say Beverly Pacelli was in the car with
7 you.

8 Was this Pacelli's wife?

9 A That is correct.

10 Q Where did you go?

11 A Down into the Bronx, to an Econocar Rental place
12 on Westchester Avenue.

13 Q What happened when you arrived there?

14 A Beverly and I got out of the car and went into
15 the Econocar office and she went in to return the car, and told
16 the man behind the counter she wanted to return the car
17 and pay for it.

18 Q And did she pay for it?

19 A Yes, she did.

20 Q Do you remember how much?

21 A I think it was around \$300.

22 Q How did she pay for it?

23 A In cash.

24 Q After she paid for the car, what did you then do?

25 A We went across the street where Perez' Thunderbird

1 3 jqmch Lipsky-direct 267
2 was parked, and Beverly and I got into the car and
3 we all drove downtown, down to New York, down the West
4 Side Highway, and Perez was going to look at a place where
5 he was going to buy some rugs for his new apartment, and they
6 dropped me off on 40th Street near Park Avenue.

8 A Yes 40th

9 8 Near Park Avenue?

10 λ ν_{obs}

11 Q When they put you off there, did you have a
12 conversation with Pacelli?

13 A yes

14 Q. What did he say and what did you say?

15 A He said, "Listen, go back up to your place

16 Go back up to your apartment and clean up and go out and go
17 take one of your credit cards and rent another car, rent me
18 another car and meet me tonight at 7:00 o'clock."

19 I believe he told me up on 83rd and Second Avenue or some-
20 where in that area.

21 Q Did he tell you what this car you were to rent
22 was for? Why he wanted you to rent it, that is.

23 A Yes, because he didn't have a car and he needed
24 another set of wheels. He needed another car for
25 transportation.

1 4 jqmch Lipsky-direct 268

2 Q And did you rent another car?

3 A Yes, I did.

4 Q Where?

5 A At an Avis Rent-A-Car place.

6 Q Where is that Avis place?

7 A I believe it was on 64th Street between Second
8 and Third Avenues. That is New York.

9 Q How much time would you say passed between the
0 time that Beverly Jalaba in your presence turned in the
1 murder car to the time that you rented this new car from
2 Avis?

3 A Maybe about three hours would be my best estimate.

4 Q What kind of a car did you rent, this new car?

5 A A 1972 Plymouth Fury 3 model, I believe, dark
6 green in color with a green vinyl top and green interior
7 with New Jersey license plates.

8 Q As you described it, is it fair to say that this was
9 a car that in outward appearance was somewhat similar to
0 the murder car?

1 A That is correct.

2 Q Did you intend to rent a rent-a-car similar in
3 appearance to the murder car?

4 A No, I did not.

5 Q What were the differences in appearance between

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1 5 jqmch Lipsky-direct 2
2 this new car you rented at Avis and the murder car that
3 Beverly Jalaba had just turned in?

A The murder car had New York plates and the
new rented car had New Jersey plates. The interior of
the murder car was black; the interior of the newly
rented car was green. And the top of the merder car
was black vinyl; the top of the new car, I believe was
green vinyl.

10 Q After you rented this new car, what did you do
11 with it?

12 A I think I drove back to my apartment and then
13 I met Pacelli at the time he told me -- I think it
14 was 7:00 o'clock -- at 83rd Street and Second Avenue.
15 I believe that is where I met him.

16 Q Did you spend that evening with Pacelli, in his
17 company?

18 A Yes, I did.

19 Q. And who kept the car at the end of the evening?

20 A He did

21 Q What day of the week was this that you rented
22 the new car?

23 Friday afternoon

24 Friday afternoon?

25 A YOGA

1 6 jqmch Lipsky-direct 270

2 Q I take it the murder was then early on Friday
3 morning?

4 A That is correct.

5 Q All right.

6 I direct your attention to sometime in the period
7 around the week end, Friday night or Saturday night or
8 Sunday night, sometime in there.

9 Did you have a meal with Pacelli someplace?

10 A Yes.

11 Q Where?

12 A At the Caka Saka, a Japanese restaurant around
13 37th, 38th Street and Second Avenue.

14 Q To your best present memory, are you able to
15 say just when on the week end you had dinner with him
16 there?

17 A No, sir, I am not exactly sure which night it
18 was.

19 Q Well, at that time -- excuse me. Let me ask you
20 this:

21 Could it have been Friday night, the same
22 evening you turned the new car over to him?

23 A It could have been.

24 Q Could it have been Saturday?

25 A Yes, sir.

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Q Could it have been Sunday?

3 A It could have been. But I think that
4 restaurant was closed on Sunday. I am not sure of it,
5 but I think that place was closed on Sunday.

6 Q In any event, when you had this conversation
7 with him at the restaurant, did you have any conversation
8 concerning the killing of Patsy Parks?

9 A Yes.

10 Q What is it that you remember he said and what
11 did you say?

12 A He said to me, Pacelli said to me, "It's a good
13 thing I did what I did when I did it, because I have been
14 in communication with my lawyer and he told me my trial
15 is about to start next Tuesday."

16 Q Was it sometime that week end that you
17 were also at the home of Pacelli's mother?

A That is true.

19 Q Could that have been the same night you
20 were at the Japanese restaurant?

21 MR. DUKE: I object to the leading

22 MR. EDWARDS: I don't think I am leading, really.
23 I am really inquiring.

24 THE COURT: Overruled.

A It could have been the same night.

1 8 jqmch

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2 Q Do you know if it was?

3 A No, I am not sure.

4 Q Did you attend a movie that week end sometime
5 with some of these people you testified about?

6 A Yes, I did.

7 Q Do you remember what night you went to the movies?

8 A I am not exactly sure. I think, to the best
9 of my memory now, it was Saturday or Sunday night that we
10 went to the movie.11 Q And the night you went to the movie, was that the
12 same night you were at Pacelli's mother's house, or do you
13 know?14 A To the best of my memory now, I think when we
15 went to the movies we previously were up at his mother's
16 house before we all went to the movie.

17 Q Who went to the movies?

18 A Pacelli, myself, Beverly Pacelli, Barbara
19 Jalaba -- I am not sure, I think Beverly Pacelli's
20 other sister, Marianne, went to the movies, but I am not
21 sure. I can't recall who else went to the movie.22 Q Did there come a time, either during the week end
23 or shortly after the week end, when you were sitting in
24 a car with Pacelli and with Al Bracer and with
25 Abby Perez?

1 9 jqmch

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2 A Yes.

3 Q Do you know a man named Frank Serrano?

4 A Yes, I do.

5 Q By the way, to the best of your memory, when do
6 you think this conversation was you are talking about now,
7 the conversation when you were in the car with Pacelli
8 and Bracer and Perez?9 A To the best of my memory, I think it was on the
10 following Tuesday or Wednesday night.

11 Q Are you sure?

12 A I am pretty sure it was Tuesday or Wednesday
13 night following the murder.14 Q Do you have a memory at the present time as to
15 how Pacelli was clothed?

16 A Yes.

17 Q And how do you think he was clothed?

18 A He had on a suit, but he had taken off his tie.

19 Q Does he normally wear a suit?

20 A He does not.

21 Q When you were sitting there in the car, the four
22 of you, was there a conversation between Pacelli on the
23 one hand and Perez and Bracer on the other hand, concerning
24 this Frank Serrano?

25 MR. DUKE: Objection.

1 10 jgmch

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2 THE COURT: Is your objection that this is
3 leading?

4 MR. DUKE: Among others. That is not the sole
5 objection.

6 May we approach the bench?

7 THE COURT: All right.

8 (At the side bar)

9 MR. WALL: Going by the last trial, your Honor,
10 I believe what Mr. Edwards is about to do is offer
11 testimony that Pacelli told Perez to tell Serrano to leave
12 town for a few weeks, or he would get what Patsy Parks
13 got.

14 I suggest, in light of his prior testimony as
15 to what took place, the only purpose that can be served
16 by this testimony certainly isn't an admission of complicity
17 because we already have the statement from Lipsky as to that,
18 but it involves a threat against some other person, and I
19 don't see its relevance is sufficiently probative to out-
20 weigh the prejudice of involving some other threat.

21 On that basis we object.

22 MR. EDWARDS: Your Honor, if I may say why I
23 am offering this. As I indicated in the memorandum of law
24 No. 4 that I filed, I am offering this conversation because
25 it occurred or it is an admission, certainly by implication,

1 11 jqmch

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2 by Pacelli in the presence of Bracer that Pacelli was
3 responsible for the murder of Patsy Parks.

4 That is very important because of Bracer's
5 connection with the destruction of the car. It shows
6 Bracer's knowledge, and when combined with the other
7 circumstances, that Pacelli was responsible for the murder.

8 The further point is this: Mr. Wall is claiming
9 prejudice because I am putting in testimony that involves
10 a threat directed at another person, Frank Serrano.

11 I may say, your Honor, that I gave Mr. Wall
12 notice several days before I filed this memo that
13 I intended to elicit evidence of this threat. I will show
14 that this evidence is admissible simply on its own because
15 I will then elicit from Lipsky that he had had previous
16 conversations with Pacelli concerning Frank Serrano, and
17 that these conversations involved the fact that Serrano was
18 another person who had knowledge concerning that same box
19 that was connected with the narcotics case coming up to
20 trial.

21 Therefore, it would be admissible as bearing on
22 Pacelli's intent and, therefore, there is no improper
23 prejudice, but the vital thing is, I simply must put it in
24 to show an admission by Pacelli concerning the Parks murder
25 in the presence of Al Bracer. That is a vital part of the

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2 evidence in this case.

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2 THE COURT: Didn't we have some testimony here
3 from Lipsky or from Quinn about a Frank in connection with
4 the box?

5 MR. EDWARDS: Your Honor, Patsy Parks' testimony
6 before the grand jury which was read into evidence, I
7 believe mentioned Frank Cerano. I think it did. The name
8 Frank has been bandied around on a couple of occasions in
9 the past but nothing more than that. I simply have to show
10 that Bracer had knowledge of Pacelli's involvement.

11 THE COURT: There are some things you have to show
12 that may be the law of evidence. But I am going to permit
13 this. I am not sure what an implied admission is.

14 MR. WALL: There is already testimony that in
15 Bracer's presence Pacelli smacked his hands and said "That
16 god dam box, I know what I have to do," and then Bracer
17 said he did not want to go with him. If it's being offered
18 now to show that Bracer knew what had happened there is
19 already testimony.

20 THE COURT: I take it it's being offered as an
21 admission by Pacelli that he did what he is accused of doing.
22 I am not sure whether it's an implied admission or expressed
23 admission.

24 MR. WALL: Given by the only witness who is to
25 testify as to that and it's a bootstrap operation.

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2 MR. EDWARDS: That has nothing to do with ad-
3 missibility.

4 THE COURT: I don't think so.

5 (In open court.)

6 MR. EDWARDS: Can we have the reporter read back
7 the last question?

THE COURT: Yes.

9 (Question read.)

10 8 Mr. Lipsky, can you answer the question?

11 Did you hear it?

12 A Yes I heard it

13 | Page

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15 Q To your memory, what is that Pacelli said to
16 Perez or to Bracer or to the two of them and what was said
17 in reply concerning Frank Cerano?

18 A Pacelli said, speaking mainly to Perez, "You
19 better tell your friend Frankie that he better get out of
20 town and get lost."

A Yes I did

23 Q Had you heard him discussed previously between
24 the same people?

25 A Yes

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2 Q When these people used the expression Frankie,
3 do you know who they meant?

4 A Yes.

5 Q Who?

6 A Frank Cerano.

7 Q What is that Pacelli said?

8 MR. DUKE: Objection, asked and answered.

9 MR. EDWARDS: This is just a clarification.

10 THE COURT: Overruled.

11 A Pacelli said "You tell that friend of yours
12 Frankie he better get out of town or he is going to get
13 the same thing that happened to the girl."

14 MR. DUKE: I move to strike that.

15 THE COURT: Overruled. Your motion is denied.

16 Q What did Perez say concerning Frank Cerano, if
17 anything, in reply?

18 A He said "Vinny, don't worry, I will take care
19 of him, I will take care of him, I will tell him to go away.
20 I will take care of him and don't worry about it. Don't
21 think about it. I will take care of it."

22 Q Did Pacelli say anything further concerning
23 Frank Cerano?

24 A He said to Abby Perez, "Well, you better make
25 sure that you do."

1 jqh4

Lipsky-direct

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2 Q Before this conversation in the car had you had
3 other conversations with Pacelli concerning this same Frank
4 Cerano?

5 A Yes.

6 Q Did any of these conversations have to do in
7 some way with the narcotics case that Pacelli was coming
8 to trial on and we have been hearing about here?

9 A Yes.

10 Q On that subject what do you remember Pacelli
11 previously saying to you concerning Frank Cerano?

12 A Only that Frank Cerano had some knowledge about
13 a box that was involved in Pacelli's previous narcotics arrest

14 Q By the way, when Pacelli said -- if I am para-
15 phrasing it right -- "Tell Cerano to get out of town or the
16 same thing will happen to him that happened to the girl",
17 did anyone say "Who do you mean by that girl?"

18 A No.

19 Q After this conversation in the car concerning
20 Frank Cerano did there come a time, and I am not asking you
21 how you found out, I am simply asking you did there come
22 a time when it came to your attention that Patsy Parks'
23 corpse had been identified as being . .?

24 A Yes.

25 Q At some time after you learned this did you have

1 || jqh5 Lipsky-direct

2 a meeting with Al Bracer and Abby Perez?

3 A Yes

4 Q And at that meeting did they hand you anything?

5 A Yes.

6 Q What did they hand you?

MR. DUKE: Objection, your Honor.

8 Q What did they hand you?

THE COURT: Wait a minute.

10 MR'. EDWARDS: I am sorry, your Honor. I beg your
11 pardon.

12 THE COURT: Come up, counsel.

13 (At the side bar.)

14 THE COURT: I don't know what this is about.

15 MR. EDWARDS: I will make it clear. I am proceeding
16 on the basis of the final section in the memo number 4
17 that I filed. This involves the fact that after the body
18 was found and identified Bracer and Perez met with Lipsky,
19 gave him \$1,000 and told him to take off for Florida. That
20 is all I am planning to elicit on that conversation.

21 THE COURT: All you have to do is get from Lipsky
22 that Bracer gave him \$1,000 and told him to go to Florida,
23 right?

MR. EDWARDS: Yes.

THE COURT: Nothing more?

1 jgh6

Lipsky-direct

2 MR. EDWARDS: No. The only other question,
3 and it has nothing to do with conversation, and perhaps
4 Mr. Duke will stipulate, I simply want to bring out in
5 some manner through stipulation or through the testimony
6 that when they told him this and sent him to Florida
7 Pacelli was in custody from thereafter.

8 MR. WALL: That is the reason we say this is in-
9 admissible.

10 MR. EDWARDS: Let's leave that then and I wil
11 ask for a stipulation later.

12 THE COURT: I thought that--

13 MR. EDWARDS: I won't ask it now, your Honor. I
14 will take it up later.

15 MR. DUKE: I just think that telling them to go
16 to Florida is squarely within the Court of Appeals' ruling.
17 It's hearsay. It's after the conspiracy terminated. It's
18 not by co-conspirators. On at least two of those grounds
19 it is inadmissible and it's irrelevant. The giving of
20 the money is irrelevant and what they said in connection
21 with it that has meaning and it's hearsay. It's covered
22 by the previous ruling.

23 MR. EDWARDS: I will lay it out because I think
24 this is, in reality, a new situation and this limited
25 testimony is in no way hearsay of the kind that the Court

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Lipsky-direct

2 of Appeals objected to the last time they reviewed this c
3 It's being offered simply to show why it is that Lipsky
4 departed for Florida and how it happened that he did so.

5 It's not being offered for the truth of any
6 assertion contained therein. Now the Court of Appeals
7 was concerned on this whole conversation of Bassi's apartment
8 because they were saying that this was being offered as
9 implied hearsay, that is they were offering it to try and
10 use it to suggest that Pacelli had previously confessed to
11 Bracer and Perez, something of which there was no evidence
12 in the record whatsoever. Now it's in the record. It's in
13 the record in this conversation in the car. That is my basis
14 for distinction. It seems to me that there is no implied
15 hearsay now.

16 THE COURT: You are offering it then--

17 MR. EDWARDS: Simply why Lipsky went to Florida
18 and not for the truth of the matter therein.

19 MR. WALL: In the last trial there was testimony
20 of the threat to Cerano made in the presence of Bracer and
21 Perez and the jury can draw--

22 MR. EDWARDS: No, there was not. That was not
23 elicited.

24 THE COURT: Let's not argue about that. What I
25 am trying to get at is that the ultimate thrust of this is

1 jgh8

Lipsky-direct

2 that Bracer and Perez gave him the \$1,000 because they knew
3 that Pacelli wanted him to do it and there is only one
4 reason, because Pacelli was guilty.

5 MR. DUKE: That is precisely why the Court of
6 Appeals ruled out the conversation of Bassi's.

7 MR. EDWARDS: As I said in my memo, the thing is
8 that the Court of Appeals ruled it out because there was
9 no evidence in the record at that time because we didn't
10 offer the conversation in the car the last time. There was
11 no evidence in the record at the last trial showing that
12 Bracer knew or Perez knew that Pacelli was the killer.

13 THE COURT: In the last trial what was the testimony?
14 He went to Florida but did he say he got some money from
15 somebody?

16 MR. EDWARDS: Yes, your Honor, Bracer and Perez.
17 The difference between the two trials, your Honor--

18 THE COURT: What is the difference in the testimony?
19 That is what you are offering now.

20 MR. EDWARDS: There is none except that instead
21 of offering that whole series of conversations in Bassi's
22 apartment--

23 THE COURT: I mean as to the \$1,000.

24 MR. EDWARDS: Essentially the same. He gave him
25 \$1,000 and told him to go to Florida.

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Lipsky-direct

2 THE COURT: All right. I think I know your points
3 Give me a couple of minutes.

4 MR. WALL: It was not in the last trial, the
5 conversation in the car. Mr. Edwards is correct.

6 THE COURT: I know that wasn't.

T7A

7 (In open court.)

8 THE COURT: The objection is overruled.

9 MR. EDWARDS: Your Honor, again could we ask the
10 reporter to read the last question.

11 (Question read.)

12 Q Mr. Lipsky, you heard the question?

13 A Yes.

14 Q Would you answer it. What is the answer, sir?

15 A \$1,000.

16 Q Did they tell you to do anything?

17 A Yes.

18 Q What did they tell you to do?

19 A To go to Florida.

20 Q Now, Mr. Lipsky, did you then go to Florida?

21 A I did.

22 Q Can you recall the approximate on which you went
23 to Florida?

24 A I think it was Friday night, February 11, 1972.

25 Q How long did you remain Florida?

1 lzh 2 Lipsky-direct

2 A About three weeks.

3 Q Do you remember when you returned to New York?

4 A Yes.

5 Q By what means of transportation did you return
6 to New York?

7 A Airplane.

8 Q Were you in Florida the entire time in between?

9 A Yes.

10 Q And do you remember when you returned to New York?

11 A Yes.

12 Q When?

13 A The night of March 2, 1972.

14 Q Where did you fly into New York?

15 A LaGuardia Airport.

16 Q Was someone there waiting for you?

17 A Yes, sir.

18 Q Who was it that was waiting for you?

19 A A group of law enforcement people.

20 Q Did they take you anywhere?

21 A Yes.

22 Q Where did they take you?

23 A To the police station in Mineola, New York, upstairs
24 in the homicide squad office.

25 Q After that time were criminal charges made against

1 lzh 3

Lipsky-direct

2 you in Nassau County in connection with the killing of
3 Patsy Parks?

4 A Yes.

5 Q Did a time come later when you pleaded to
6 manslaughter in connection with the killing of Patsy Parks?

7 A Yes.

8 Q Are you incarcerated at the present time?

9 A I am.

10 Q How long have you been incarcerated? Since when?

11 A Since March 2, 1972, about 34 and one-half months.

12 Q After you pleaded to manslaughter, were you
13 sentenced?

14 A I was.

15 Q And that was by a judge in Nassau County?

16 A That is correct.

17 Q That is, a New York judge rather than a federal
18 judge?

19 A That is correct.

20 Q What is the sentence you received?

21 A An indeterminate term up to 20 years.

22 Q Now, Mr. Lipsky, have you testified on various
23 occasions since then in federal court?

24 A Yes, I have.

25 Q On two of these occasions, was your testimony in

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1 lzh4 Lipsky-direct

2 some respects false and incorrect?

3 A Yes, it was.

4 Q Mr. Lipsky, first I want to show you several things.
5 Let me show you Government's Exhibit 3 in evidence. I
6 ask you if you can identify this photo?

7 A Yes, I can.

8 Q Who is it?

9 A Patsy Parks.

10 Q And that is the young woman that you say in the
11 early morning of February 4th Pacelli killed and you set on
12 fire, is that right?

13 A That is right.

14 MR. EDWARDS Your Honor, may we have this object
15 marked as the next exhibit for identification.

xx 16 (Government Exhibit 4 marked for identification.)

17 Q Mr. Lipsky, I ask you to examine Exhibit 4 for
18 identification and I ask you if that is similar to an object
19 you have seen before?

20 A Yes, sir.

21 Q What is it similar to?

22 A The knife that Pacelli killed Patsy Parks with.

23 MR. EDWARDS: Your Honor, this will be identified
24 by other persons at a later time, but may I offer it now.

25 MR. DUKE: No objection.

1 lzh5

Lipsky-direct

xx 2 (Government Exhibit 4 received in evidence.)

3 MR. EDWARDS: Your Honor, may I have a moment
4 with counsel.

5 (Pause.)

6 MR. EDWARDS: May we have this marked the next
7 exhibit please.

xx 8 (Government's Exhibit 5 marked for identification.)

9 Q Mr. Lipsky, I show you Government's Exhibit 5
10 for identification and will you examine it, please, and tell
11 us what that is a picture of.12 A A picture of the ushers at Vincent Pacelli, Jr.'s
13 wedding.

14 Q Are you in the picture?

15 A I am.

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Lipsky-direct

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2 Q Is Al Bracer in the picture?

3 A He is.

4 Q Is Abby Perez in the picture?

5 A He is.

6 Q Is Benny Febre in the picture?

7 A Yes, he is.

8 Q Assuming that other counsel may wish to know,
9 will you be able to point out which is which of these
10 people?

11 A Yes, sir.

12 MR. EDWARDS: Your Honor, I offer it in
13 evidence.

14 MR. DUKE: No objection.

xxx

15 (Government's Exhibits No. 5 for identification
16 was received in evidence.)

17 MR. EDWARDS: Your Honor, at this time, if I may,
18 now that they are in evidence, I would like to pass 4 and
19 5 to the jury.

20 THE COURT: Yes.

21 MR. EDWARDS: Thank you.

22 Your Honor, I have no further questions at this
23 time.

24 MR. DUKE: Your Honor, may we approach the bench?

25 THE COURT: Yes.

1 2 lzmch Lipsky- 290

2 (At the side bar)

3 MR. DUKE: Your Honor, we would like to request

4 a recess for purposes of clarifying the 3500 and the

5 discovery. I understand there is no objection on the part

6 of the Government.

7 THE COURT: Well, we would only have another

8 ten minutes if we kept to our schedule, and there are things

9 I think we want to talk about.

10 MR. DUKE: I received a note --

11 THE COURT: We will recess now. Then we can

12 talk. We don't need --

13 Do you want to be on the record?

14 MR. DUKE: Yes.

15 I received a note suggesting that there are

16 reporters from the Times present. I don't know whether

17 that's true or not.

18 THE COURT: There is one from the Times and there

19 is one from the New York Law Journal, and I think there is

20 one from the Associated Press.

21 MR. DUKE: I suggest the jury should be advised

22 not to read the newspapers.

23 MR. EDWARDS: Surely.

24 MR. DUKE: Yes.

25 THE COURT: Not to look at any newspapers. I thi

1 3 lzmch

2 that's right.

3 MR. EDWARDS: Or radio or television.

4 THE COURT: I think that's a good suggestion.

5 MR. O'DONNELL: Obviously, not to talk to anyone,
6 but that goes without saying.

7 THE COURT: No, it goes with saying.

8 (In open court)

9 THE COURT: Ladies and gentlemen, have you
10 finished with those two exhibits?

11 MR. EDWARDS: Your Honor, perhaps I should say,
12 although the application hasn't been made, it's normal for us
13 not to confer with the witness while he is on cross-
14 examination and we will not be doing so.

15 THE COURT: All right, ladies and gentlemen.
16 We are going to adjourn at this time.

17 I understand from Mr. Farrar that some of you have
18 inquired about what our daily schedule will be.
19 To the extent that it's possible to do so, I plan to begin
20 at 9:30 in the morning and to run until 5:00 o'clock or
21 approximately 5:00 o'clock at night. If there is going to
22 be any significant change in that schedule, I'll give
23 you all the advance notice I can, but I think you can
24 assume, unless you hear from me to the contrary, that our
25 regular schedule will be 9:30 to 5:00. So we will adjourn

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2 UNITED STATES OF AMERICA

3 v.

73 Cr. 105

4 VINCENT PACELLI

5

6 January 22, 1975
9:50 a.m.

7 (Trial resumed)

8 (In open court; jury present)

9 B A R R Y G. L I I S K Y, resumed.

10 THE COURT: Good morning, ladies and gentlemen.

11 MR. EDWARDS: Your Honor, before the cross-
12 examination commences, we have a stipulation to place
13 upon the record between the parties.14 It is hereby stipulated and agreed between the
15 Government and the defendant Vincent Pacelli that on
16 February 3 and 4, 1972, Pacelli had in fact no telephone
17 in his apartment.

18 THE COURT: All right.

19 CROSS-EXAMINATION

20 BY MR. DUKE:

21 Q Mr. Lipsky, my name is Steven Duke and there
22 is Pierce O'Donnell and Patrick Wall.

23 A Sorry, Mr. Duke, I didn't hear the first name.

24 Q My name is Steven Duke. This is Pierce O'Donnell
25 and this is Patrick Wall. We represent Pacelli.

1 lzmch

Lipsky-cross

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2 Mr. Lipsky, have you taken any drugs in the
3 last twenty-four hours?

4 A Some pills to help me sleep.

5 Q What kind of pills?

6 A Called flurezepan. That was not today.

7 Q I can't hear you.

8 A The name of the pill is called flurezepan.

9 Q Who gave them to you?

10 A The hospital. I got them from a doctor in the
11 hospital.

12 Q When were you in the hospital?

13 A I wasn't at the hospital. The prescription was
14 refilled at the hospital for me.

15 Q Did you see the doctor?

16 A I have seen this doctor that's issued me this
17 prescription.

18 Q What kind of doctor is he? What is his specialty?

19 A I don't know his specialty. He is a doctor,
20 a doctor in a government hospital.

21 Q When did you last see him?

22 A I think it's about six weeks ago, roughly.

23 Q What was the nature of your complaint when you
24 visited him about six weeks ago?

25 A That I was nervous. I had trouble sleeping. The

1 lzmch Lipsky-cross

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2 place where I lived was noisy and I had trouble sleeping and
3 constant nervousness and he gave me two prescriptions.

4 Q That is for two different types of pills?

5 A That is correct.

6 Q What is the second one?

7 A Valium.

8 Q Have you been taking those two pills, two types
9 of pills during the past six weeks?

10 A Yes. Mainly the valium, but not every day.

11 Q Did you take any valium in the last two days?

12 A Yes, about two days ago is the last time I took
13 any valium.

14 Q Mr. Lipsky, in 1969 what were you doing for a
15 living?

16 A In 1969 I was a stock broker.

17 Q And did there come a time in 1969 when you entered
18 into an agreement with several persons to sell some stolen
19 securities?

20 A That is correct.

21 Q And you were to sell the stolen securities through
22 the brokerage firm that you worked for?

23 A Correct.

24 Q Who provided the stolen securities to you?

25 A Two men.

1 lzmch Lipsky-cross 297

2 Q Who were they?

3 A Vincent Teresa and Robert Cardille.

4 Q Did you sell the stolen securities through your
5 brokerage firm?

6 A I did.

7 Q Were they approximately \$40,000 in value?

8 A Approximately.

9 Q Were you subsequently questioned by your
10 employer concerning the source of those securities?

11 A Yes.

12 Q And did you tell your employer that a person named
13 Paul McGauhey came in and opened an account and gave you
14 the securities?

15 A Yes.

16 Q Was that true?

17 A No.

18 Q Were you subsequently interviewed concerning
19 the sale of these securities by the Federal Bureau of
20 Investigation?

21 A Yes.

22 Q Was that on or about September -- in September
23 1969?

24 A I don't remember the date, Mr. Duke.

25 Q Is that approximately correct?

1 lzmch

Lipsky-cross

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2 A Well, like I said, I don't remember the date.

3 It may be the correct date.

4 Q Do you remember the date that you sold the stolen
5 stock?6 A Not exactly. I think it was in April. In
7 April of '69, to the best of my memory. Or March. I'm
8 not sure..9 Q In any event, did you give a detailed statement
10 to the Federal Bureau of Investigation concerning the
11 sale of that stock?

12 A Yes.

13 Q Was that statement true?

14 A No.

15 Q Was it a lie?

16 A Yes. I believe the statement was a lie.

17 Q Did you, on May 7, 1970, testify before a
18 federal grand jury in the Southern District of Florida?

19 A Yes.

20 Q And did you take the same oath then that you
21 took yesterday?

22 A Yes.

23 Q You raised your hand and swore to tell the truth,
24 the whole truth and nothing but the truth, so help you,
25 God?

1 lzmch Lipsky-cross 299

2 A Yes.

3 Q Did you give approximately 38 pages of grand
4 jury testimony?

5 A I don't know how many pages there were, Mr.
6 Duke.

7 MR. DUKE: May I show the witness a document,
8 your Honor?

9 THE COURT: Yes.

10 MR. DUKE: Mark this, please.

xxx 11 (Defendant's Exhibit A was marked for iden-
12 tification.)

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1 lzh 1 Lipsky-cross

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2 Q Showing you this Exhibit A for identification,
3 Mr. Lipsky. Do you recognize that document?

4 A Yes, I do.

5 Q Is that your testimony before the grand jury
6 in the Southern District of Florida?

7 A Yes, it is.

8 Q Is it approximately 38 pages?

9 A It is.

10 Q Is there any truth in that 38 pages, Mr. Lipsky?

11 A Yes, Mr. Duke, there is some truth in these--
12 in this testimony.

13 Q How much of the 38 pages is true?

14 A Well, Mr. Duke, I'd have to read each question
15 and each answer to tell you which is true and which is not
16 true.

17 Q Did you tell a story in there about how you came
18 to get the stock and sell it?

19 A Yes.

20 Q Was that story true or false?

21 A That was false.

22 Q Was it perjury?

23 MR. EDWARDS: Objection, your Honor. That is a legal
24 matter.

25 THE COURT: Yes. Sustained.

1 lzh 2 Lipsky-cross

2 Q Was it a deliberate lie?

3 A Yes.

4 Q Were you indicted with several other people
5 for conspiring to sell and for selling the stolen securities?

6 A Yes.

7 Q And did you hire an attorney to defend you,
8 to represent you in connection with that indictment?

9 A Yes.

10 Q Who was that attorney?

11 A Walter E. Gwinn.

12 Q Did you tell him a story about the stock trans-
13 action?

14 A Did I tell him a story about the stock transaction?

15 Q Yes.

16 A Yes, I did.

17 Q Did you tell him the truth?

18 A No, I didn't.

19 Q Did you subsequently plead guilty to one count
20 of that indictment?

21 A I did.

22 Q Was that in August of 1970?

23 A I'm not sure of the date. I think it was.

24 Q Did you have a meeting on or about October 28,
25 1971, with your attorney, Mr. Betz and some other individuals?

1 lzh 3 Lipsky-cross

2 MR. EDWARDS: Your Honor, I am sorry. I think
3 there is some confusion here. Mr. Betz to whom he is referring
4 was not Mr. Lipsky's attorney. I think this question
5 suggests that he was.

6 MR. DUKE: Withdrawn.

7 Q Mr. Lipsky, were you sentenced in this stock,
8 stolen stock case on October 28, 1971?

9 A I believe that was the date I was sentenced.

10 Q On the day that you were sentenced, did you
11 and your attorney, Mr. Gwinn, have a meeting with Mr. Betz
12 and other officials, federal officials?

13 A To the best of my memory, I think it was after
14 the sentencing that the meeting was held.

15 Q After the sentencing?

16 A Yes.

17 Q What was the subject matter of the meeting? What
18 did you talk about?

19 A I don't recall exactly.

20 Q Approximately?

21 A I think the subject of whether I had been involved
22 in any other illegal stock transactions was discussed.
23 And Mr. Betz -- and Mr. Betz, and my attorney, I believe,
24 had talked amongst themselves and said that the aspects
25 of the case to which I just pled guilty to would not be

1 lzh4 Lipsky-cross

2 discussed but they were willing to discuss some other things
3 with me and I do not remember exactly or even in part what
4 else they asked me.

5 Q Did you discuss other things with them?

6 A Vaguely. It wasn't a very long meeting.

7 Q They asked you for some information about other
8 criminal activities?

A I don't recall exactly. I think they did.

Q And did you give them some information?

11 A Like I just said, Mr. Duke, I don't remember what
12 I told them. I don't remember giving them much information
13 that was worthwhile at all.

Q Whether or not it was worthwhile, did you give them any information concerning other criminal activities?

A I don't recall what that conversation was about,
as I sit here to the best of my memory, Mr. Duke.

Q Prior to your being sentenced, Mr. Lipsky, did
you and your attorney tell the -- was Mr. Betz the
principal prosecutor in that stolen stock case?

A I believe he was.

Q Did you and your attorney tell Mr. Betz that at some point prior to your guilty plea that -- did you give them some information about the stolen stock case?

A I just got done telling you, Mr. Duke, when Mr.

1 lzh5

Lipsky-cross

2 Gwinn told me before these people came over to his office
3 for this meeting that the stock case would be one subject
4 that would not be discussed.

5 Q But that was after you were sentenced or at least
6 on the same day that you were sentenced?

7 A I think it was.

8 Q Did your attorney negotiate with the government
9 for your -- did he enter into an agreement with the government
10 for you to plead guilty to one count?

11 A Mr. Gwinn, my attorney, had some conversations
12 with Mr. Betz, the government attorney and not in my presence
13 and told me that he had been talking to Mr. Betz about my
14 pleading guilty.

15 Q He told you he had a deal with Mr. Betz, didn't he,
16 Mr. Lipsky?

17 A I don't remember if the word deal was used but
18 he said he had spoken to Mr. Betz and he thought that I
19 could get probation.

20 Q Didn't he tell you that Mr. Betz agreed to
21 recommend three years' probation?

22 A I think the figure was less than that.

23 Q Two years?

24 A One or two years' probation, as I recall.

25 Q Your attorney told you that Mr. Betz had agreed

1 lzh6 Lipsky-cross

2 to recommend to the court two years' probation?

3 A To the best of my memory, yes.

4 Q And you, in reliance upon that, pled guilty
5 to one count in the indictment, is that correct?

6 A That's correct.

7 Q What, if anything, did you do, Mr. Lipsky, for
8 the government in return for their promise to recommend
9 two years' probation?

10 A Nothing.

11 Q Did you agree to do anything?

12 A I did not.

13 Q Mr. Lipsky, did you ever tell Mr. Gwinn the
14 truth concerning the stolen stock, your role in it?

15 MR. EDWARDS: Objection, your Honor.

16 THE COURT: Read the question back, please.

17 (Read)

18 MR. EDWARDS: Mr. Gwinn is his attorney, your Honor.

19 THE COURT: Overruled.

20 Q Do you recall the question?

21 A May I hear the question again, please?

22 MR. DUKE: Would you read it back, Mr. Reporter?

23 (Read)

24 THE COURT: If you are raising, Mr. Edwards,
25 the c ent privilege, I don't think you are entitled to do so.

1 lzh7 Lipsky-cross

2 MR. EDWARDS: Fine, your Honor.

3 THE COURT: I don't remember telling Mr. Gwinn
4 the truth concerning that stock case until after I was
5 arrested in Nassau County.

6 Q My question was, did you ever tell him?

7 A I think I may have told him at a much later date.

8 Q Was it on March 13, 1974?

9 A I don't know what that date refers to.

10 Q Perhaps I could refresh your recollection.

11 You went down to Florida in late March of 1974
12 to discuss some matters with the Strike Force, did you not?

13 A I think it was March of last year. Yes.

14 Q Prior to that did you have a telephone conversation
15 with Mr. Gwinn?

16 A I don't recall. I may have.

17 MR. DUKE: May I have this marked, please.

xx¹⁸ (Defendant Exhibit B marked for identification.)

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1 1zh Lipsky-cross

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2 Q Showing you Defendant's Exhibit B for identi-
T2A 3 fication, Mr. Lipsky. Does that refresh your recollection--

4 A If you would let me look at it, Mr. Duke, I'll
5 tell you in a moment.

6 Q Would you look at page 5, Mr. Lipsky.

7 Did you have a telephone conversation with Mr.
8 Gwinn on March 13, 1974?

A Yes, I did.

10 Q And did you on that occasion tell him that you
11 had been lying to him all along?

12 A Lying to him?

13 Q Yes. Concerning some aspects of the stolen
14 stock deal?

15 A Yes

Q After you pled guilty to the one count of the conspiracy charges, were you interviewed by a probation officer?

19 A Yes I was

Q For purposes of preparing a pre-sentence report
for the judge?

22 | Page

Q Approximately when was that? Was it the same day
you were sentenced?

A It was either the same day I pled or the same day

1 lzh

Lipsky-cross

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2 I was sentenced. One or the other. I am not sure which.

3 Q Lid you tell the probation officer in that con-
4 nection, "I'm very sorry I became involved with this person
5 for illegal gain because of the misery and trouble that
6 doing so has caused me and my family. Thinking clearly
7 about such a situation again, I know I would choose against
8 ever making such an illegal move again."

9 Did you tell him that?

10 A Yes, sir, I believe I did.

11 Q Was that a lie?

12 A Yes.

13 Q And you knew that that statement was going to be
14 given to the judge?

15 A I didn't know what would happen to the statement.
16 I assumed it was government property. I don't know what
17 they would do with the statement.

18 Q Didn't the probation officer tell you that he was
19 preparing a statement for the judge who was going to sentence
20 you?

21 A I don't remember him using those words, Mr. Duke,
22 but he asked me to sit down and fill out a form and asked
23 me some questions.

24 Q What did he tell you was the purpose of sitting
25 down and answering some questions?

1 lzh

Lipsky-cross

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2 A It was a pre-sentence report. I think that's what
3 he said. I'm not sure.

4 Q Are you saying you had no idea that the judge was
5 going to get this information?

6 A No, I'm not saying that.

7 Q You knew he would, didn't you?

8 A Yes, I guess I knew he would.

9 Q And in connection with your efforts to get
10 a -- get probation on that charge, did you tell the probation
11 officer that you had employment in New York City?

12 A To my best memory I did.

13 Q Where did you tell him you were employed?

14 A I think I told him I worked for Scott Packaging
15 Industries or CSB Industires in New York City.

16 Q You knew that would be a condition of getting
17 probation, didn't you, Mr. Lipsky? That you be gainfully,
18 lawfully employed?

19 A Yes.

20 Q And you knew that that statement about being
21 employed by this particular business would be made available
22 to the judge, didn't you?

23 A Yes.

24 Q And you even got a friend of yours to write a
25 letter indicating that you were employed by his company,

1 lzh Lipsky-cross

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2 didn't you?

3 A I think I did.

4 Q Was that the truth?

5 A Was what the truth?

6 Q That you were employed by that company?

7 A No, I was not actually employed by that company.

8 Q It was a lie?

9 A That's correct.

10 Q Mr. Lipsky, when you sold this stolen stock
11 for these two men that you mentioned, did you need money?
12 Were you broke?

13 A I needed money.

14 Q Is that why you sold the stolen stock?

15 A Yes.

16 Q How much profit did you get out of that trans-
17 action?

18 A \$6,000.

19 Q Mr. Lipsky, didn't your mother in 1968 and 1969
20 pay bills for you or give you money in an amount approximating
21 \$57,000?

22 A I'm not sure of the figure but -- I don't exactly
23 remember her paying the bills either.

24 Q What did she do for you financially during that
25 period?

1 lzh

Lipsky-cross

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2 A She loaned me some money.

3 Q How much?

4 A I don't remember.

5 Q Did she write checks to you during that period?

6 A I think sometimes she did.

7 Q And she paid some of your bills?

8 A Yes, she paid some of my bills, I think. I am not
9 sure if she paid them or if I paid them.10 Q Did you forge your mother's signature to some
11 checks during that period?

12 A Yes, I did.

13 Q About \$18,000 worth?

14 A I'm not sure of the figure, Mr. Duke.

15 Q Do you think it would be more or less than
16 \$18,000?17 A I'm not sure. It could be more. It could be less.
18 At this point I'm not -- I don't remember how much money was
19 involved.

20 Q Is that approximately correct, 18,000?

21 A Like I said, Mr. Duke, it is quite a while.
22 I don't remember exactly how much.

23 Q Was it a large amount of money?

24 A \$18,000 is a large amount of money, so I would say
25 yes.

1 lzh

Lipsky-cross

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2 Q And you were making money as a stockbroker during
3 that period, weren't you?

4 A Sometimes yes and sometimes no.

5 Q How much did you make in 1968 as a stockbroker?

6 A I have no idea.

7 Q More than 10,000 a year?

8 A I really don't remember. The market was bad then.
9 I worked on a commission basis and some weeks I made some
10 money if I sold some stock or bought some stock. Some weeks
11 I made no money.

12 Q How about 1969, did you make more than 10,000
13 in commissions in 1969?

14 A I don't recall, Mr. Duke.

15 Q Did you file income tax returns in 1968?

16 A I don't remember about 1968, whether I did or not.
17 I think -- I may have. I'm not sure.

18 Q How about 1969?

19 A The same answer. I'm not sure when the last time
20 I filed an income tax form was.

21 Q Did you report on your income tax return the
22 money that you obtained from forging your mother's signature?

23 A No.

24 Q Did you report the \$6,000 you got from the stolen
25 stock?

1 lzh Lipsky-cross

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2 A No.

3 Q Did you write checks to Marge Jackline for
4 approximately \$2,100 during this period?

5 A I don't remember the exact figure. I remember
6 writing checks, I think I remember writing some checks to
7 Margie Jackline.

8 Q For approximately \$2,000?

9 A Like I just said, I don't remember the figure.
10 I remember sending her some checks.

11 Q Was it more or less than 2,000?

12 A I can't recall, Mr. Duke. It's been a long time.

13 Q Was is your best recollection?

14 A My best recollection is I don't recall how much
15 money I gave Margie Jackline.

16 Q Could it have been 10,000?

17 A I don't think so.

18 Q Mr. Lipsky, you testified yesterday that you had
19 sort of a partnership with Marge Jackline in the selling
20 of cocaine?

21 A Yes.

22 Q Did these checks have anything to do with that
23 partnership?

24 A No, I don't believe so.

25 Q Are you certain?

1 lzh

Lipsky-cross

314

2 A I'm fairly certain because the cocaine--

3 Q Just answer the questions.

4 A Could you ask me a question again, please.

5 Q Are certain that the checks you wrote to Marge
6 Jacklone in '68 and in '69 had nothing to do with your
7 partnership with her in the cocaine business?8 A . I am pretty well sure, as I sit here now, that
9 those checks in 1968 and '69 to Margie Jacklone had nothing
10 to do with the cocaine business. I was involved with her
11 in a later year.

12 Q But you are not certain?

13 A I am pretty well certain.

14 Q Mr. Lipsky, since testifying before the grand
15 jury in Florida in May of 1970, you testified to a number
16 of grand juries here in this courthouse, did you not?

17 A That's correct.

18 Q And you testified in about five trials in this
19 courthouse?

20 A Yes.

21 Q Did you testify in a trial before Judge Gagliardi?

22 A Yes.

23 Q Did you testify in the trial before Judge Gagliardi
24 in December of 1972?

25 A Yes.

1 lzh

Lipsky-cross

315

2 Q And did you take the same oath that you took
3 yesterday in that trial?

4 A Yes, I did.

5 Q And you testified before a jury just like the
6 jury that is sitting here?

7 A Yes.

8 Q Did you lie?

9 A Yes, I did.

10 Q Did you testify in another case in June of 1972?

11 A Yes.

12 Q In this courthouse?

13 A Yes.

14 Q Was that also before Judge Gagliardi?

15 A It was.

16 Q Did you take the same oath then that you took
17 yesterday?

18 A Yes.

19 Q You testified before a jury just like the jury
20 that is here today?

21 A That's correct.

22

23

24

25

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AM 2b

1 lzmch

Lipsky-Cross

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2 Q Did you lie?

3 A Yes, I did.

4 Q Did you testify before a grand jury in this
5 courthouse on April 11, 1972?

6 A I don't remember that date. I may have.

7 Q Let me show you Exhibit 3566.

8 A What part --

9 Q Just look : the date.

10 THE COURT: Is it in evidence?

11 MR. DUKE: No.

12 A Just the date?

13 Q Well, look at the yellow part, too, while you
14 are at it.

15 Did you testify before a federal grand jury in
16 this courthouse on April 11, 1972?

17 A Yes.

18 Q Did you lie?

19 A I don't think I did lie.

20 If you can show me what you are referring to,
21 I'll tell you whether I did or not.

22 Q Were you asked those two questions and did you
23 give these answers:

24 "Q Mr. Lipsky, I want to advise you that this
25 grand jury is investigating a possible violation of the

1 2 lzmch Lipsky-cross
2 federal narcotics laws. Do you understand that you can
3 refuse to answer any question that I ask on the grounds
4 that it may tend to incriminate you?

5 "A Yes, sir.

6 "Q Do you understand that anything you say here can
7 be used against you in a court of law?

8 "A Yes, sir."

9 Were you asked those questions and did you give
10 those answers?

11 A Yes.

12 Q Was that the truth?

13 A Was what the truth? I don't see what you are
14 driving at.

15 Q Was it your understanding on April 11, 1972 that
16 anything you said could be used against you in a court of
17 law?

18 A Yes.

19 MR. EDWARDS: Your Honor, could we have a side
20 bar on this? I think there is a legal matter here.

21 (At the side bar)

22 MR. EDWARDS: Your Honor, I think I understand
23 the point that Mr. Duke is advertizing to and what I'd
24 like to put on the record and make clear, if I may, is
25 this.

1 3 lzmch

Lipsky-cross

2 First, of course, the questions that he is
3 being asked, as I am sure your Honor is aware, is sort of
4 a rote series of questions. They are put to anyone who
5 appears before a grand jury who is testifying to his
6 own criminal activity.

7 Number two, they, in claiming it to be a lie,
8 are referring to the fact that Lipsky's lawyer had earlier
9 told him that the Government was not going to prosecute
10 him on narcotics cases on which he gave information --

11 THE COURT: I think I understand that, but the
12 question was, "Do you understand that anything which you
13 say could be used against you?"

14 MR. EDWARDS: That's what I'm coming to, your
15 Honor.

16 THE COURT: It seems to me so far we are
17 perfectly all right.

18 MR. EDWARDS: I know, your Honor. The point I
19 wish to make is that having received that assurance
20 from his attorney, whether or not he had a Fifth Amendment
21 right in testifying before the grand jury, which is
22 what those questions involve, is really a legal matter
23 that I'm not sure that the answer could be secured without
24 voluminous research. I don't think it's fair to put it to
25 him as a lie.

1 5 lzmch Lipsky-cross

2 that is for redirect.

3 THE COURT: No. I think the way Mr. Duke has

4 been proceeding, we haven't had any problems so far.

5 The witness has said yes, he understood it could be used
6 against him. Whether it would be used against him is
7 something else.

8 I think it's all right.

9 MR. EDWARDS: Now, as I see the problem coming
10 at a later time, I may ask the Court to explain to the
11 jury that there is no inconsistency there.

12 THE COURT: We will see what we have to do.

13 MR. DUKE: Your Honor, I do intend, since he
14 denied that, I do intend to pursue the fact that he had
15 an understanding with the Government and his attorney.

16 THE COURT: All right.

17 MR. EDWARDS: The point is, there is no
18 inconsistency. That's what I have to ask the Court to
19 make clear.

20 THE COURT: Whether I need to do it or whether that's
21 something for later on, I'm not sure. Let's wait.

22 MR. EDWARDS: I think it's a legal matter. I
23 am going to ask you as a matter of law.

24 THE COURT: All right.

25 (In open court)

1 6 lzmch

Lipsky-cross

2 MR. DUKE: Is there a question pending?

3 THE COURT: I don't think so.

4 Q Mr. Lipsky, isn't it a fact that earlier in
5 the day, prior to your grand jury testimony on
6 April 11, 1972, you had a conversation, a telephone
7 conversation with your attorney, Mr. Gwinn?8 A I think so, but if you show me the document
9 to which you are referring, I will be more sure.

10 MR. DUKE: May I have this marked, please?

xxx 11 (Defendant's Exhibit C was marked for iden-
12 tification.)13 Q Showing you Exhibit C for identification, Mr.
14 Lipsky, would you look at Page 20, about the middle of
15 the page?

16 Did you have a conversation --

17 A Excuse me for a moment.

18 All right.

19 Q Did you have a conversation with your attorney,
20 Mr. Gwinn, over the telephone on April 11, 1972?

21 A Yes.

22

23

24

25

1 4 1zmch Lipsky-cross

2 THE COURT: And he said it wasn't a lie.

3 I think from a technical, legal standpoint, we
4 are all right; regardless of any arrangement that was
5 made, the things he said before the grand jury could be
6 used against him.7 This is something different, it seems to me,
8 from whether or not there was some understanding about
9 whether or not he would be prosecuted.10 MR. EDWARDS: I think so, too, your Honor.
11 That's the point I am making.

12 He is trying to show --

13 MR. NESLAND: It is misleading.

14 THE COURT: I don't think it is misleading so
15 far.16 MR. DUKE: I intend to show on that very same
17 day, that morning, he had an understanding, an explicit
18 understanding that nothing that came out of his mouth
19 could or would be used against him.20 THE COURT: No. "Would be used against him"
21 is something different from "could be used against him."

22 MR. EDWARDS: That is my very point, your Honor.

23 MR. NESLAND: It could be used against him in
24 a lot of other ways.

25 MR. DUKE: That's a distinction, it seems to me,

2 Q That was prior to your grand jury testimony
3 on that date, was it not?

4 A I think so.

5 Q And were you in this courthouse when you had
6 that conversation --

7 MR. EDWARDS: Objection, your Honor.

8 THE COURT: I'm not sure of the relevance of
9 the location. I will sustain the objection, at least
10 for the time being.

11 Q Was Mr. Gwinn talking to someone else on the
12 telephone --

13 MR. EDWARDS: Objection, your Honor.

14 Q -- prior to his talking to you?

15 MR. EDWARDS: Objection.

16 THE COURT: Sustained.

17 Q Did Mr. Gwinn tell you that he had a verbal
18 contract with the Government?

19 A Mr. Gwinn told me he had an agreement. Mr.
20 Gwinn told me.

21 Q Did he tell you he had a verbal contract with
22 the Government?

23 A I don't remember him using those words, Mr.
24 Duke.

25 Q Would you look at Page 25 of that exhibit?

1 2 lzmch Lipsky-cross 323

2 A Yes.

3 8 About the middle of the page

4 A Yes. I see it.

5 Q Did Mr. Gwinn tell you that you had a verbal
6 contract with the Government?

7 A Yes, it says that here.

8 Q And did he tell you that that verbal contract
9 was they are not going to prosecute you for whatever else
10 you tell them?

11 A I remember Mr. Gwinn --

12 Q Will you answer the question Mr. Lipsky?

13 Did Mr. Gwynn tell you that or not?

14 A. I don't remember him using those words. Mr. DeLoach

Q. Would you look at the middle of Page 26, please?

16 S. T. Lassie that

17 MR. DUKE: Mr. Reporter, could you read back the
18 last question?

19 (Second read)

20 MR. DUKE - Withdrawn

21 Q Did Mr. Gwinn tell you that that verbal contract
22 with the Government was that they are not going to pros-
23 ecute you for whatever else you tell them?

24 A. VOGEL

25 Q. We told you that?

1 3 lzmch

Lipsky-cross

2 A Yes, he did.

3 Q - And did he also say that that verbal contract
4 included any damn thing?5 A Would you tell me where to look, Mr. Duke?
6 I don't know.

7 Q About an inch below what you just looked at.

8 A I see that.

9 Q Did he tell you that?

10 A That I wouldn't be prosecuted for any damn thing?

11 Q Yes.

12 A Yes. It's in this paper. He told me that.

13 Q He did tell you that?

14 A Yes, he did.

15 Q By the way, you knew that Mr. Gwinn was taping
16 that conversation, didn't you?

17 A I believe so.

18 Q Well, look down about another inch.

19 A Yes, I see that.

20 Q You knew he was taping the conversation, did you
21 not?22 A I knew it then. I don't know if I knew it at
23 the beginning of the conversation.24 Q Did he tell you to hold it a minute while he
25 changed the tape?

1 4 lzmch

Lipsky-cross

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2 A Yes, he did.

3 Q You don't recall whether you knew it before
4 that conversation began?5 A I don't recall. If you show me something to
6 refresh my memory --

7 Q On Page 22, Mr. Lipsky.

8 A Yes.

9 Q About four inches from the bottom, beginning,
10 "All right."

11 A Yes.

12 Q Mr. Gwinn told you he was recording the conver-
13 sation, didn't he?

14 A That's correct.

15 Q And he also told you that he had recorded the
16 verbal contract with the Government?

17 A I don't see where it says that in so many words.

18 Q Well, did he tell you, "I just had the foresight
19 to record both the things that they said as I'm now re-
20 cording"?

21 A Yes.

22 Q Was he referring to the verbal contract that he
23 made with the Government?24 A I don't know what he was referring to. He ends
25 on a word. He doesn't end the sentence.

1 5 lzmch

Lipsky-cross

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2 Q You interrupted him and said, "Yeah," didn't
3 you?

4 A Yes.

5 Q You knew that he was telling you that he had
6 recorded the verbal contract with the Government, didn't
7 you?

8 A Yes, I believe so.

9 Q Did Mr. Gwinn in that same conversation also
10 tell you that you had complete transactional immunity?

11 A If he did, I don't recall him. Can you show me
12 where you want me to look, refresh my memory?

13 Q Page 30, the top of the page.

14 A Yes, I see where he said it.

15 Q Did he tell you that the Government had promised
16 him that they will give you complete transactional
17 immunity?

18 A I just answered that question, Mr. Duke.

19 Q What was the answer?

20 A The answer was -- the answer is yes. Mr. Gwinn
21 said that to me on the phone.

22 Q Mr. Lipsky, did you have a chance to scan most
23 of that document that's before you?

24 A No.

25 Just now?

1 6 lzmch Lipsky-cross

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2 Q Yes.

3 A No, I didn't. Just where you asked me to look.

4 Q Have you seen it on other occasions?

5 A I may have. I'm not sure.

6 Q Can you tell us whether or not that is an

7 accurate account of your conversations on April 11, 1972?

8 A This says April 10th, Mr. Duke.

9 Q Beginning on Page 10, from Page 10 forward.

10 A There is no Page 10 here, Mr. Duke.

11 Q There is no Page 10?

12 A No. It starts on Page 15.

13 Q Beginning at Page 20.

14 A Sorry.

15 What was your question?

16 Q Do you recognize that as an accurate reproduction
17 of your conversation on the telephone on April 11, 1972?

18 A Yes.

19 Q It is a fact, then, isn't it, Mr. Lipsky, that
20 when you testified later that same day before the grand
21 jury, you didn't tell the truth?22 MR. EDWARDS: Objection, your Honor. There
23 is no inconsistency, and I think I'm entitled to an
24 instruction on the legal matter.

25 THE COURT: Sustained.

2 Q Mr. Lipsky, when you testified before that
3 grand jury on April 11, 1972, you knew, didn't you,
4 that when a Government witness testifies in the trial,
5 who has previously testified before a grand jury, the grand
6 jury testimony is made available to the defense; you knew
7 that, didn't you?

8 MR. EDWARDS: Objection, your Honor.

9 THE COURT: No, I'll allow it.

10 A I believe I know that's the procedure.

11 Q You went through a trial, didn't you, down in
12 Florida on the stock case before you pled guilty?

13 A You mean was I a defendant?

14 Q Yes.

15 A I was.

16 Q You knew what 3500's are, didn't you?

17 A Yes.

18

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Lipsky-cross

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T B 2

Q There is no doubt in your mind that on April 11, 1972, you knew that what you were saying to that grand jury would be disclosed to defense counsel if that testimony -- if you ever testified in a criminal trial, you knew that, didn't you?

7

A Yes, I believe so.

8

Q And you fully intended to testify in a criminal trial on April 11, 1972, that is, on that date you intended to testify to one or more future trials?

11

A I am sorry, Mr. Duke. I think you said the criminal trial on April 11, 1972.

13

Q Withdrawn. On April 11, 1972, at the very moment that you were giving this grand jury testimony in Exhibit 3566, you intended to testify for the government in one or more criminal prosecutions?

17

A Yes, I did.

18

Q Therefore, you knew that your grand jury testimony on April 11, 1972, would in one or more future cases be disclosed to the defense counsel, did you not?

21

A I believe as I just answered that question before for you, I believe I know that the grand jury testimony is made available at trial.

24

Q And you knew that this particular testimony in Exhibit 3566 that you gave would in the future be made

1 lzh 2

Lipsky-cross

2 available to defense counsel in a criminal trial, this
3 very testimony?

4 MR. EDWARDS: I again object to the entire--

5 THE COURT: I think the question has been asked
6 and answered a couple of times, Mr. Duke.

7 MR. DUKE: Forgive me, your Honor.

8 (Pause.)

9 Q Mr. Lipsky, isn't it a fact that when you testified
10 before that grand jury on April 11, 1972, you intended
11 to hide the fact that you had a verbal contract of immunity
12 with the United States Government?

13 A It was not my intent.

14 Q You knew that would be the consequence of your
15 testimony, didn't you?

16 MR. EDWARDS: Objection, your Honor. There is no
17 inconsistency here and the only reason he should be permitted
18 to inquire as if there is an inconsistent, there is none
19 and I object to the entire line.

20 MR. DUKE: Your Honor, I object to Mr. Edwards'
21 speech before the jury.

22 THE COURT: I will allow this question.

23 A Would you please repeat your question.

24 Q You knew that the consequence of your grand jury
25 testimony would be that the fact that you had a contract,

1 lzh3

Lipsky-cross

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2 a verbal contract of immunity with the United States
3 Government would be hidden from defense counsel, you knew
4 that would be the consequence of your testimony, the result?

5 A I don't understand the way your question is put.

6 Q Perhaps I can make it simple.

7 You knew that when you got up on the stand
8 in a federal criminal trial, you knew that because of the
9 way you had testified, defense counsel would not know that
10 you had a deal with the United States Government?

11 THE COURT: Mr. --

12 MR. EDWARDS: Your Honor, I am objecting to this
13 because --

14 THE COURT: Yes, I sustain the objection. I sustain
15 the objection.

16 Q Mr. Lipsky, you testified that you lied in two
17 trials in this courthouse in 1972. What did you lie about
18 in those trials?

19 A I lied about, or made inaccurate statements about
20 my understandings -- my understanding with the federal
21 government with respect to whether or not I would be prose-
22 cuted on -- prosecuted in this courthouse.

23 Q You swore under oath that you had no understanding
24 whatsoever, did you not?

25 A I believe I did.

1 lzh4

Lipsky-cross

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2 Q And both of those trials were after April 11,
3 1972?

4 MR. EDWARDS: Objection, your Honor.

5 THE COURT: Sustained.

6 Q Mr. Lipsky, did your attorney, Mr. Gwinn, suggest
7 that you lie about your understanding with the government?

8 THE COURT: Could I have that question.

9 (Read)

10 THE COURT: I'll sustain the objection to that
11 question.

12 MR. EDWARDS: Your Honor, I am willing to have
13 him answer it.

14 THE COURT: All right, go ahead.

15 THE WITNESS: May I hear the question again.

16 MR. DUKE: Will you read it back.

17 (Read)

18 A Mr. Gwinn never told me to lie about my under-
19 standing and his conversations and my understanding with
20 the government.

21 Q Did he suggest to you that you should, if questioned
22 about your understanding with the government, say that you
23 had no understanding?

24 A He did not.

25 Q In words or substance did he tell you that?

1 lzh5 Lipsky-cross

2 A He did not.

3 MR. DUKE: May I have this marked, please.

xx 4 (Defendant Exhibit D marked for identification.)

5 MR. EDWARDS: Your Honor, may we approach the
6 bench on this.

7 THE COURT: Yes.

8 (At the side bar.)

9 MR. EDWARDS: Your Honor, this letter and the
10 language that he is directing Lipsky's attention to
11 involves no inconsistency and the reason that I am opposing
12 its introduction or a reference to the language that is
13 marked here is simply that it invades the ruling, in my
14 opinion, that your Honor made on our trial memorandum number
15 3 concerning all these allegations regarding whether Mr.
16 Febre knew that he was testifying falsely and so forth
17 and we are going to go right into that and we will be
18 at it ad infinitum. I ask your Honor to note that this letter
19 is not advice of any kind that Lipsky lie about anything
20 and I don't think he is entitled to question him on that
21 as if it were.

22 MR. EDWARDS: Part of the difficulty with this
23 thing, your Honor, is that it requires going into the
24 entire history of that series of events and I don't see how
25 this can really add anything here.

1 lzh6

Lipsky-cross

2 THE COURT: What about this, Mr. Duke? Is it
3 this part that we are dealing with?

4 MR. DUKE: Yes. First of all I'm simply using it
5 at this point to refresh the witness' recollection. It
6 clearly rebuts any claim that it was an innocent mistake
7 on his part, either his perjury on the two trials or in the
8 grand jury of April 11th and I don't think it implicates
9 Febre. I do intend at a later point to make an offer of
10 proof on Febre but I think it doesn't implicate Febre and
11 I intend to drop the matter--

12 THE COURT: What recollection do you want refreshed?

13 MR. DUKE: Did his attorney advise him that he
14 should deny that he had any understanding with the government.
15 I think he said no, absolutely not. I think that is a lie.
16 I think his attorney plainly, if he received that letter,
17 did advise him.

18 MR. EDWARDS: Your Honor, I have no objection
19 as long as Mr. Duke does not refer to the contents and as long
20 as the witness is told not to refer to the contents. I have
21 no objection to him just being asked whether it refreshes
22 his recollection and whether his attorney told him to lie
23 but I do object to any reference to the contents of this
24 letter.

25 THE COURT: We will go that far and no further.

1 rkH Lipsky-cross

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T2A 2 (In open court.)

3 Q I will show you Defendant's Exhibit D for
4 identification and ask you to look at that and in particular
5 reference to that part.

6 A Yes, I remember this.

7 Q Did you receive Defendant's Exhibit D in the
8 mail, Mr. Lipsky?

9 A I did.

10 Q I ask you if that refreshes your recollection
11 concerning whether or not Mr. Gwinn your attorney suggested
12 that you deny having any understanding with the government?

13 A No, Mr. Duke, it doesn't suggest.

14 MR. EDWARDS: Your Honor, I think he has answered
15 the question.

16 THE COURT: Yes.

17 Q Mr. Lipsky, did you ever tell anybody in the
18 United States Government that if they didn't give you
19 a formal grant of immunity, you would refuse to testify?

20 MR. EDWARDS: Could we place time or a
21 context.

22 THE COURT: It is all right the way it is, Mr.
23 Edwards. The question is at any time ever. It may be com-
24 pletely immaterial if it is at a time that doesn't have
25 any relation to our problems.

1 rkhi

Lipsky-cross

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2 MR. EDWARDS: Could I ask it be clarified
3 in one way. A formal grant of immunity as to what.

4 THE COURT: I think Mr. Edwards has two good points,
5 Mr. Duke.

6 Can you rephrase your question?

7 Q Mr. Lipsky, you know what a formal grant of
8 immunity is, don't you?

9 A I believe so.

10 Q What is it?

11 A A piece of paper signed by some member of the United
12 States Government that someone who testifies or gives in-
13 formation to the government will not be prosecuted.

14 Q Does the judge sign something in that connection
15 too?

16 A I don't know whether the judge does or not, Mr. Duke.

17 Q Between March 3, 1972, and today, did you ever
18 tell anybody in the United States Attorney's office in this
19 courthouse that you wouldn't testify unless you got a formal
20 grant of immunity?

21 MR. EDWARDS: Your Honor, again, as to what? He
22 wouldn't testify as to what? What is he receiving immunity
23 on and what is he testifying on?

24 Q Did you ever demand of anybody during that period
25 of time, of any of the United States Attorneys in this

1 rkhs'

Lipsky-cross

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2 courthouse, did you ever demand a formal grant of immunity
3 from prosecution?

4 MR. EDWARDS: Same objection, your Honor.

5 THE COURT: I will allow it.

6 A I think I once asked someone in the federal
7 government if they could get me some kind of immunity.
8 I think I did ask someone in the U.S. Attorney's office in
9 this building if he would get me immunity and I think his
10 answer to me was that it wasn't needed in my case, that
11 I didn't need it.

12 Q Did you accept that?

13 A Yes, sir, I believe I did.

14 Q When you asked this person if you could have
15 immunity, you wanted one of these documents that you referred
16 to, signed by somebody in the government; is that what you
17 were referring to in your conversation with this person?

18 A I believe so, yes.

19 Q Was that Mr. Phillips?

20 A I think it was-- if I did have this conversation
21 which I don't really exactly recall now, it was with Mr.
22 Phillips.

23 Q As you sit there on that stand now, Mr. Lipsky,
24 did you ever get a formal grant of immunity?

25 A No, Mr. Duke.

1/22/75
PM 5a

1 lzmch

Lipsky-cross

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2 (At the side bar)

3 MR. EDWARDS: Your Honor, directing your
4 attention to M for identification, I notice the writing
5 in the right-hand lower portion, the phase "nigger writing."

6 The only person that Mr. Lipsky is testifying
7 against is Mr. Pacelli. Mr. Pacelli is not a black or a
8 Negro, and therefore, in addition to other reasons, it
9 seems to me that is totally irrelevant and can only be
10 intended to prejudice members of the jury.

11 THE COURT: I will not receive that in evidence.
12 We already have the testimony that he has written and
13 used those names and that is enough.

14 (In open court)

15 Q Mr. Lipsky, do you know anybody named Wart?

16 A Yes.

17 Q Who is that?

18 A It's a nickname a friend of mine gave me many
19 years ago.

20 Q And you use that alias also on occasion?

21 A I wouldn't call it an alias. It's a nickname
22 someone gave me.

23 Q Showing you N for identification, did you write
24 that letter?

25 A Yes, I wrote the letter.

1 2 lzmch Lipsky-cross 435

2 MR. DUKE: I offer it.

3 THE COURT: May I see counsel for a moment?

4 (At the side bar)

5 THE COURT: I assume you have a number of
6 documents which he wrote in which he used an alias.

7 MR. DUKE: That is part of it, your Honor, but
8 he also signed his cards and letters with a claw. I
9 think that is important for the jury.

10 THE COURT: This one he has on his own letterhead.

11 I suppose it's sufficient to show he has
12 written various postcards and other postcards, birthday
13 cards, Christmas cards, and used various names.

14 It seems to me, frankly, the fact he sent a card
15 like this which is what it is and puts on it a claw which
16 has six fingers on it and signs it "Wart," I don't think
17 it's terribly important, but it may be to your psychiatrist.

18 I would think you could do this by testimony
19 and not need to put these in evidence.

20 MR. EDWARDS: Your Honor, may I suggest what
21 I hope can serve as a compromise? If Mr. Duke wants to
22 put those two particular things in evidence, I would be
23 agreeable so long as we could bring this to an end.

24 THE COURT: He has more.

25 MR. DUKE: I want to ask him about that picture.

1 3 rkmch

Lipsky-cross

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2 MR. EDWARDS: What is it?

3 MR. DUKE: It's a picture of a gun moll. I want
4 to ask him does he know her, was it at his suggestion that she
5 posed.6 MR. O'DONNELL: The world of psychiatry is a
7 mystery to us and that is why we are trying to lay a
8 foundation. We would offer it if it was.9 THE COURT: I will not allow any questions about
10 this picture, for goodness sake.

11 MR. EDWARDS: Could we mark it for identification?

12 MR. DUKE: It's marked O for identification.

13 MR. EDWARDS: Is the picture to which Mr. Duke
14 and his Honor just referred Exhibit O?

15 MR. DUKE: Yes.

16 What about putting in a couple of these?

17 MR. EDWARDS: It's acceptable if you put in B for
18 identification and N for identification, in the hopes --

19 THE COURT: Not this one.

20 MR. EDWARDS: Not the one with the word "nigger"
21 on it.

22 MR. DUKE: I think that is very significant.

23 THE COURT: I know you do, but I am not going to
24 allow it.

25 What about this one?

407

1 4 rkmch

Lipsky-cross

437

2 MR. EDWARDS: We are now referring to Q for
3 identification.

4 MR. O'DONNELL: That is the one where he says
5 the examination was a complete farce and they were talking
6 to the D.A. on the phone with Nassau County, I believe.

7 MR. DUKE: It impeaches his testimony. It's
8 evidence of his egomania and it's evidence that the exam-
9 ination was not very thorough.

10 MR. EDWARDS: Well, your Honor --

11 THE COURT: I don't think it adds anything.
12 I won't allow it.

13 MR. DUKE: Your Honor, can I be heard on this?

14 THE COURT: What about this picture? Is there any
15 particular significance to this person?

16 MR. DUKE: I don't know. I don't know who that
17 person is. I want to ask him.

18 It may be his mother, for all I know.

19 MR. EDWARDS: Your Honor, I would suppose of the
20 vast number of people in this country who are addicted
21 to taking photographs, although I am not one of them --

22 THE COURT: Unless you have some particular
23 significance about this --

24 MR. DUKE: It just shows this man's feeling for
25 violence.

1 5 rkmch

Lipsky-cross

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2 Your Honor, I must ask you to reconsider Q.
3 If it's not evidence of the nature of the examination,
4 it impeaches his testimony about the examination, and if
5 it's none of those things, it shows this man is an egomaniac
6 which we intend to show through numerous documents.

7 He thinks everybody is stupid and incompetent
8 including the United States Attorney's Office.

9 THE COURT: All right, I will take this.

10 (In open court)

11 Q Mr. Lipsky, would you look at Q for identification,
12 please? I just want to ask you if you wrote it. I will not
13 ask you any questions about it.

14 A I wrote it.

15 MR. DUKE: I offer Defendant's Exhibits N for
16 identification, P as in Paul, and Q as in quick.

17 MR. EDWARDS: No objection.

xxx

18 (Defendant's Exhibits N, P and Q for identification
19 were received in evidence.)

20 Q Mr. Lipsky, showing you Exhibits N and P in
21 evidence, there is something that looks like a claw on
22 the end of those two documents --

23 MR. EDWARDS: Your Honor, might I suggest they
24 simply be handed to the jury?

25 THE COURT: I sustain the objection.

1 6 rkmch

Lipsky-cross

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2 MR. DUKE: Your Honor, may I read to the jury
3 Exhibit Q in evidence?

4 THE COURT: Yes.

5 MR. DUKE: This is a letter dated Friday,
6 January 5, 1973. Barry Lipsky addressed to Walter
7 Gwinn, Miami, Florida.

8 "Mr. Gwinn, I was spoken to on Tuesday,
9 December 26, 1972, at Meadowbrook Hospital psychiatrist
10 office for about one and a half hours by two old men,
11 who asked me a lot of stupid questions. They this called a
12 "competency examination." These two men were on the phone
13 with the DA while I was in the room with them and they
14 asked me a lot of matters about the murder. This
15 examination to me was a complete farce. This is all
16 I have time to say at this time." Signed "Barry Lipsky."

17 Q Mr. Lipsky, the name, Mr. Graves, that you
18 occasionally use, have you called up friends of yours
19 and said, "This is Mr. Graves"?

20 A I have.

21 Q Have you written letters to friends and signed
22 it Mr. Graves?

23 A I have.

24 Q Have you written letters to people in the
25 United States Attorney's Office and signed it "Mr. Graves"?

1 7 rkmch

Lipsky-cross

440

2 A People from the United States Attorney's Office?

3 Q Yes.

4 A I don't remember sending anything to anyone in
5 the United States Attorney's Office signed Mr. Graves.

6 Q Anybody in the Bureau of Narcotics?

7 A Yes.

8 Q You wrote a letter to somebody in the Bureau of
9 Narcotics and signed it M. T. Graves?10 A I don't remember if I said Mr. Graves or M. T.
11 Graves. It had the word "Graves" in it, the name "Graves."12 Q You still do that, don't you? You still use
13 that thing?

14 A I do.

15 Q When did you first begin to use it?

16 A When I lived in Florida back in the middle '60's,
17 the early '60's.18 Q Mr. M. T. Graves is a narrator of a television
19 program you used to watch in Florida, isn't that true?

20 A That is right.

21 Q And Mr. Graves was a man in a prison cell,
22 isn't that right?

23 A That is right.

24 Q And the show was a horror film program?

25 A Horror films were shown, yes.

1 8 rkmch Lipsky-cross 441

2 Q Mr. M. T. Graves is behind bars and tells
3 viewers what horror film is going to be shown that day?

4 A That is correct.

5 Q It was a favorite pastime of yours to watch
6 horror films, wasn't it?

7 A I used to like to watch horror movies on TV.

8 Q You still like to watch horror movies, Mr.
9 Lipsky?

10 A Yes.

11 Q And you used to get up early in the morning to
12 catch the Late Show if a horror film was on?

13 A Get up early in the morning to catch the Late
14 Show?

15 Q Or stay up late for that purpose, the Late, Late
16 Show?

17 A No.

18 I was questioned about this before. I don't
19 remember purposely forcing myself to stay up 3:00, 4:00
20 in the morning. If I happened to be awake while there was
21 a horror film on in New York or Florida, I would stay up
22 and see it.

23 Q Did you check the programming to keep yourself
24 aware of all the horror films that were on?

25 A Did I look through the TV Guide?

1 8a rkmch

Lipsky-cross

441a

2 Q Yes.

3 A I looked through the TV Guide because I liked
4 movies and I wanted to see what was on, horror or
5 otherwise.

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Lipsky-cross

442

T5B 2 Q You used to make faces and noises at the TV set?

3 A That is not true.

4 Q You never did that?

5 A In Florida when a group of people, when I was
6 younger, much younger, a group of people came over to my
7 house, friends of mine and they were the ones that stuck
8 a tag on me MT Graves and they used to gather in my house
9 on Saturday or Sunday afternoons whenever this show was on
10 and we would watch the horror movies.

11 Q You would make faces --

12 MR. EDWARDS: I don't think he finished.

13 A We would watch the shows and other people when
14 something would happen in a horror movie or whatever it was,
15 Frankenstein, something like that, some people would say,
16 friends of mine would say, look at and they would make
17 a noise and we would laugh and I would make a noise back,
18 emulating the noise that the monster or whatever, person, or
19 doctor on the horror made.

20 Q On some occasions, you were making faces and
21 noises at the character on the screen, weren't you?

22 A I think you have it somewhat mixed up, Mr. Duke.
23 I used to make those faces at children I know to amuse them.

24 Q Who were you making those noises to when you were
25 watching Frankenstein on the television?

1 rk 2

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Lipsky-cross

2 A Friends of mine who were doing the same thing
3 and sitting in the same room with me, for our amusement.

4 Q Mr. Lipsky, you testified, did you not, in this
5 courthouse in April and early May of 1973, did you not?

6 A I believe I did.

7 Q You were under oath?

8 A That is correct.

9 Q You were testifying before a jury?

10 A Yes.

11 Q I ask you if you were asked this question and
12 gave this answer, page 201.

13 "Q You were permitted to plead guilty to manslaughter
14 on a murder indictment in Nassau County, isn't that correct?

15 "A That is correct.

16 "Q Wasn't that as a result of the intervention
17 of the United States Government in exchange for your testimony
18 here?

19 "A I don't know that the United States Government
20 intervened at all. I just know I went on trial for murder
21 and sat there for one week and on the eighth day of the trial,
22 I believe my attorney -- Mr. Dillon, the attorney for the
23 state, the District Attorney said I had a choice. That I
24 could plead guilty to manslaughter in the first degree
25 with no stipulated sentence and I did so."

1 rk3

Lipsky-cross

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2 Were you asked those questions and did you give
3 thos answers?

4 MR. EDWARDS: Your Honor, I am objecting to this.
5 I think no foundation has been laid. This isn't contradictory
6 to anything I remember. I think he has to put a question
7 to the witness and if there is some kind of conflict, he
b2 8 could ask him.

9 MR. DUKE: I am trying to save time, your Honor.
10 I will connect it up.

11 THE COURT: Mr. Edwards, I assume this is a
12 matter of credibility.

13 MR. EDWARDS: I assume so. I think he simply
14 should ask him concerning the facts prior to asking him
15 about his prior testimony.

16 THE COURT: I think we will go ahead.

17 Q Your guilty plea to manslaughter was on what date?

18 A I think it was January 15, 1973, to my best
19 memory.

20 Q Did your attorney tell you in a letter on June 23,
21 1972, that he had talked to several officials and had
22 encouraged them to begin discussions with the state officials?

23 A I believe so.

24 MR. EDWARDS: Objection.

25 Q Did you understand--

1 rkh4

Lipsky-cross

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THE COURT: I will let the answer stand.

3

Q

Did your attorney write a letter July 25, 1972, informing you that he had been discussing certain matters with the people in the city today and they planned to have a discussion with Mr. Dillon when he comes back from vacation?

8

THE COURT:

Mr. Duke, I am not quite sure about this. Does this relate to your previous question?

10

MR. DUKE:

Yes, it does.

11

MR. EDWARDS:

Your Honor, I submit I see no relationship. I do submit that the witness ought to be cross-examined on the facts prior to being cross-examined on a lot of prior writings.

15

THE COURT:

That is what I was wondering about, Mr. Duke. I thought the problem was what he said or didn't say in March or April or May of 1973.

18

MR. DUKE:

I will proceed that way.

19

Q

Did the federal government assist you in persuading the Nassau County District Attorney's office and Judge Spitzer to accept a manslaughter plea as a reduction from first degree murder?

23

A

Obviously there was some -- what was your word? Encouragement?

25

Q

Did they assist you in persuading Nassau County

1 rk5 Lipsky-cross

2 officials and the judge to accept a plea to manslaughter
3 in lieu of the first degree murder charge?

4 A Yes, I believe they did assist in some way.

5 Q There is no doubt in your mind, is there, Mr.
6 Lipsky?

7 A No, there isn't.

8 Q And there was no doubt in your mind in May, 1973,
9 was there?

10 A May of 1973, what is that? What are you referring
11 to?

12 Q When you testified in this courthouse. There
13 was no doubt in your mind at that time that Nassau County--
14 that the federal government, several officials in the
15 federal government had assisted you in persuading Nassau
16 County to accept a manslaughter plea?

17 A I believe that is correct.

18 Q Is there any doubt in your mind about it, Mr.
19 Lipsky?

20 A About what?

21 Q That you knew in May of 1973 that federal officials
22 had attempted to persuade and had assisted you and your
23 attorney in persuading Nassau County to accept a manslaughter
24 plea?

25 THE COURT: He already answered that question.

1 rkh6 Lipsky-cross 447

2 He answered it just a moment ago. He said there was no do.

3 MR. DUKE: I didn't hear him say that, your Honor.

4 Q Will you accept what the judge said you said, Mr.
5 Lipsky?

6 MR. EDWARDS: Objection.

7 MR. DUKE: Your Honor, I don't believe he said it.

8 THE COURT: Do you understand what we are talking
9 about?

10 THE WITNESS: Yes, I do.

11 THE COURT: Am I correct in what I said was your
12 answer?

13 THE WITNESS: Yes, sir.

14 Q Why did you testify, Mr. Lipsky, in May of 1973
15 in this courthouse under oath before a jury that you didn't
16 know the government intervened at all?

17 A I may have forgotten Mr. Duke about what it was
18 and the method and the way that the government tried to assist
19 me.

20 Q Mr. Lipsky, you were present in court in Nassau
21 County January 15, 1973, when the manslaughter plea was
22 accepted, were you not?

23 A That is correct.

24 Q Didn't you see a man named Mr. Phillips -- excuse
25 me. Wasn't a letter from Mr. Phillips read to the judge

1 rk7

Lipsky-cross

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2 in the courtroom?

3 A There was a letter read to the judge in the court-
4 room. I think it was from Mr. Phillips. I am not sure.5 Q Mr. Phillips, an Assistant United States Attorney,
6 is that correct?

7 A He was.

8 Q And the letter told the judge about your coopera-
9 tion with the government, testifying in several cases and
10 so forth.

11 A I believe it did.

12 Q Is there any doubt in your mind, Mr. Lipsky?

13 A No, there isn't.

14 Q And that letter from Mr. Phillips that was
15 read to Judge Spitzer didn't relate to any false testimony
16 or the fact that you had any prior conversation in this
17 courthouse, did it?18 A I don't remember it saying anything about any
19 false testimony prior by me.20 Q And you are quite sure, aren't you, Mr. Lipsky,
21 that nobody on January 15, 1973, in the courtroom or in
22 any document that you are aware of told Judge Spitzer that
23 you had lied on the stand on at least two prior occasions?
24 You are quite sure that didn't happen, aren't you?

25 A Yes, I am pretty sure that I never heard anybody

1 rk8 Lipsky-cross

2 say anything about that on January 15th.

3 Q Then it was a lie, wasn't it, Mr. Lipsky,
4 a deliberate lie when you testified in May of 1973 with
5 respect to your manslaughter plea "I don't know that the
6 United States Government intervened at all. I just know
7 I went on trial for murder, sat there for a week. On the
8 eighth day of trial I believe my attorney, Mr. Dillon, the
9 attorney for the state District Attorney said that I had
10 a choice. I could plead guilty to manslaughter in the
11 first degree with no stipulation of sentence and that was
12 a deliberate lie."

13 A No, Mr. Duke. What I forgot to say at that time
14 was that I forgot about the reading of the letter by Mr.
15 Frank Dillon from the federal government to the court or
16 to the district attorney's office in Nassau County.

17 Q Is that all you forgot about, Mr. Lipsky?

18 MR. EDWARDS: Objection. It is a meaningless
19 question.

20 THE COURT: I will sustain the objection. Can you
21 be more precise, Mr. Duke?

22

23

24

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1/22/75
PM 6a

1 lzmch Lipsky-cross

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2 Q Mr. Lipsky, didn't you know, through a series
3 of letters from your attorney that officials in the
4 Federal Government were negotiating with District Attorney
5 Kahn on your behalf? You knew that, didn't you?

6 A I knew from the letters from Mr. Gwinn that
7 officials of the Federal Government were trying to talk and
8 negotiate with the D.A.'s Office in Nassau County.

9 Q You knew they were talking to them, didn't you?
10 You knew there were conversations and other communications
11 on your behalf by various officials in the United States
12 Government; you knew that?

13 A That's correct.

14 Q You didn't forget about that on May 1973, either,
15 did you?

16 MR. EDWARDS: Objection, your Honor.

17 THE COURT: Overruled.

18 Q You hadn't forgotten about that?

19 A I just got done telling you I had forgotten
20 about Mr. Dillon, the State Assistant D.A. reading that
21 letter in front of the judge when I was allowed to plead
22 to the charge.

23 Q You also knew, did you not, that extensive
24 negotiations on your behalf were made by various people in
25 the United States Government with Mr. Kahn's Office?

1 2 1zmgh

Lipsky-cross

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2 A I think I have answered that about three or
3 four times now.

4 Q You never answered it directly yes or no; did
5 you know that?

6 A Yes, I have answered it directly, Mr. Duke, and
7 I have told you yes about three times or four.

8 Q Then the answer is -- isn't the answer also yes
9 to my question that you deliberately lied in May of 1973
10 when you said you didn't know that the Government had
11 intervened at all?

12 MR. EDWARDS: Objection, your Honor. I'm
13 rising because I think if you read the question and answer
14 that was put to him in May '73 there is no conflict
15 in the fact that people were talking to the people in
16 Nassau County.

17 THE COURT: Well, it seems to me -- has the question
18 and answer in May 1973, have you read that?

19 MR. DUKE: Previously, yes

THE COURT: Could we have it again?

21 MR.DUKE: "Q Yes. You were permitted to plead guilty
22 to manslaughter on a murder indictment in Nassau County,
23 isn't that correct?"

24 "A That's correct

25 "Q Wasn't that as the result of the intervention of

1 3 lzmch Lipsky-cross

2 the United States Government in exchange for your testimony
3 here?

4 "A I don't know that the United States Government
5 intervened at all. I just know I went on trial for
6 murder, and sat there for one week, and on the eighth day
7 of that trial, I believe, my attorney and Mr. Dillon,
8 the attorney for the State, District Attorney, said that
9 I had a choice, I could plead guilty to manslaughter in
10 the first degree with no stipulated sentence, and I did so."

11 THE COURT: It seems to me we know what Mr.
12 Lipsky was aware of and what he says he forgot, and I think
13 we have all we need on this.

14 Q Mr. Lipsky, is it difficult for you to lie?

15 MR. EDWARDS: Objection, your Honor.

16 THE COURT: Sustained.

17 Q Does the oath mean anything to you, Mr. Lipsky?

18 A Yes, it does.

19 Q What does it mean?

20 A It means you sit here and swear to tell the
21 truth, to the best of your ability and the best of your
22 knowledge and the best of your memory.

23 Q Does it mean that you also must tell the truth?

24 A Yes, it does.

25 Q Did it mean that in May of 1973?

1 4 lzmch

Lipsky-cross

453

2 A Yes, it did.

3 Q Did it mean that in June of 1972?

4 A Yes.

5 Q Did it mean that in December of 1972?

6 A That's right. Yes.

7 Q Did it mean that on May 7, 1970 when you
8 testified to the grand jury in Florida?

9 A Yes.

10 Q Did it mean that on May 11, 1972 when you testified
11 to a grand jury in this courthouse?

12 A Yes.

13 Q It means the same thing today that it meant on all
14 those occasions; is that correct?

15 A Yes, it does. Did. Does.

16 MR. DUKE: Your Honor, I think this would be
17 an appropriate point to adjourn.

18 THE COURT: All right.

19 Ladies and gentlemen, we will adjourn un...

20 9:30 tomorrow morning. If you will, remember my admonition
21 about not discussing the case with anybody, even among
22 yourselves, and not looking at newspapers, television or
23 listening to the radio.

24 Have a good evening. 9:30 tomorrow morning.

25 (The jury left the courtroom.)

1 4a lxmch

453a

2 MR. WALL: May we approach the bench? The door
3 is open.

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T6B 2 (In the robing room.)

3 MR. WALL: Your Honor, we would like to make an
4 offer of proof for you to consider overnight with respect
5 to this particular issue that has just been raised and as
6 to which your Honor thought that enough had been introduced.
7 The difficulty that we find is that Mr. Lipsky, when confronted
8 with testimony which is apparently false, indicates that he
9 has a bad memory or, although on other occasions he indicates
10 he has a good memory. We have a series of documents, all
11 of which are known to Mr. Lipsky because he either wrote
12 them or received them, indicating an extensive course of
13 conduct on the part of this office here to intervene on his
14 behalf with Mr. Kahn and Mr. Dillon in Nassau. Mr. Kahn was
15 initially adamant, he believed he had an exceptionally good
16 case, a case which indeed Mr. Lipsky described as an open
17 and shut case with Lipsky as the loser. Negotiations broke
18 off. That is contained in a letter received by Lipsky. Lipsky
19 then sends a letter to Gwinn stating that he is fearful now
20 that the U.S. Attorney's office won't intervene on his behalf
21 because the tapes became public and he is very depressed
22 over that. That is a letter to Mr. Morville, former Chief
23 Assistant in this office.

24 Your Honor, when the jury hears I forgot and the
25 jury realizes that this man was in prison at the time, I

1 lzh 2

2 don't think the jury can accurately gauge whether or not
3 that was a deliberate lie back in May, '73, or whether he
4 possibly forgot and I think that we are entitled to show that
5 no rational human being could possibly have forgotten the
6 whole series of negotiations in which he was most interested
7 and more importantly, on the very day when he is allowed to
8 plead to a crime where he doesn't have to have a mandatory
9 term, he has a letter, a fulsome letter of praise of his
10 ability read to the judge in open court in his presence and
11 I think unless the jury realizes that he had to have that
12 knowledge, they may conceivably believe that what he did in
13 May was not deliberate perjury.

14 THE COURT: It seems to me, Mr. Wall, that first
15 of all the question and answer that we are dealing with
16 was not quite as precise as what you and Mr. Duke are trying
17 to make out of it. It is perfectly clear from Lipsky's
18 testimony that he was fully aware in May that the government
19 was working on his behalf with the authorities, I think that
20 is perfectly clear to the jury. He has taken the position
21 that he forgot that this letter was read and the jury can
22 evaluate his testimony and they can believe it or not as they
23 see fit and my notion was that we had gone about as far as we
24 could go with it. Here was this question and answer which,
25 it seems to me, is arguably a little ambiguous and I don't

1 lzh3

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2 know what more you can do. You can get him to say, perhaps,
3 that it was a deliberate lie. I didn't think you wer going
4 to get him to say that, but I don't f'ink you need to get
5 him to say that. He doesn't deny that he was aware of the
6 fact that these negotiations had been going on. He doesn't
7 deny that he was aware of the fact that this letter had been
8 read. He says he forgot that it was read.

9 MR. WALL: May I make one suggestion, your Honor.
10 Rather --

11 THE COURT: I thought you made your point.

12 MR. WALL: Maybe I am neurotic. I didn't think
13 we made it as strongly as I think the record would justify.

14 Might we simply tomorrow without asking him any
15 questions present them with the letters to him from Gwinn
16 and his letters to Gwinn, simply ask him whether he received
17 and read the letters from Gwinn and whether he wrote the
18 letters to Gwinn which bear on this and we will offer them
19 in evidence. We will not read them in front of the jury.
20 We can use them in summation.

21 MR. EDWARDS: May I be heard on that, your Honor?

22 THE COURT: Of course.

23 MR. EDWARDS: I would be happy to sit down with
24 counsel and look at these things this evening. I don't have
25 every line of every one of those letters in mind and therefore,

1 lzh4

2 I cannot take a position now as to whether they all ought
3 to be received in evidence or not. This really, you know,
4 to my mind, is making a lot of heavy weather and are very
5 little. The fact is that the question that was read was
6 whether his plea resulted in the intervention of the federal
7 government.

8 MR. WALL: He said they never intervened at all.
9

10 MR. EDWARDS: I don't know what he means by inter-
11 vened. I assume he means intervened in connection with the
12 plea that actually took place. He has never denied that
13 he and his lawyer were hoping that the federal government
14 was going to succeed in talking Nassau County into somehow
15 recusing the charges in return for all his cooperation.

16 MR. WALL: One final comment. I think Mr. Edwards
17 forgets that immediately after the plea and before sentence
18 there is a whole batch of letters where Lipsky complains
19 to Gwinn that Gwinn can get the feds to go tell Judge
20 Spitzer what to give. The feds have done it before, they
21 can just go tell this judge what sentence to give. They
22 did it before and they can do it again and he is being treated
23 as a second class stoolpigeon. He knew what power he had.
24 To say he didn't understand, that's his explanation for
25 the jury.

MR. EDWARDS: That has no relevance to what either

1 lzh5

2 of us has been saying earlier. I remember those letters
3 very well. As with everyone sitting around in jail, listening
4 to the other people in jail, he thinks that everyone is
5 being treated better than he is and he thinks that some
6 powerful person some place ought to talk to the judge and
7 tell the judge what to do, as if anyone could.

8 Sure, I wouldn't even mind putting a couple
9 of those letters in evidence. I am ready to look at the
10 correspondence and concede what we think can be put in
11 evidence. I would hope that an over lengthy cross-examination
12 can be brought to a speedy conclusion.

13 THE COURT: Well, I am sure we all hope that.
14 It does seem to me, Mr. Wall, that the crucial point here is
15 that, from your standpoint, is that you want to show, to
16 the extent you can, that Mr. Lipsky was not being completely
17 honest in May, 1973, that there were things that he was aware
18 of and his answer to this question may have been arguably
19 technically correct, but I think the jury can decide whether
20 or not he was avoiding the guts of the problem. But I suggest
21 you go over this problem with Mr. Edwards and there may be
22 a way to nail down the point that you want to make with a
23 minimum of effort.

24 (Court adjourned.)
25

WITNESS INDEX

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1 1zmch

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2 UNITED STATES OF AMERICA

3 v.

73 Cr. 105

4 VINCENT PACELLI

5

6

January 23, 1975
10:05 a.m.

7

8

(Trial resumed)

9

(In open court; jury present)

10

B A R R Y G. L I P S K Y , resumed. .

11

THE COURT: Good morning, ladies and gentlemen.

12

Good morning.

13

MR. EDWARDS: Good morning, your Honor.

14

MR. WALL: Your Honor, the Government and the defense have entered into an agreement that certain portions of certain documents not yet in evidence should be marked in evidence and read to the jury at this time.

18

MR. EDWARDS: That is correct, your Honor. I have conferred with Mr. Wall and we have agreed that he read certain portions of the papers that he now will.

21

I am reserving the right to perhaps offer other portions at a later time.

23

THE COURT: Yes.

24

MR. WALL: The first item, your Honor, is a portion of a letter of June 23, 1972 to Mr. Barry Lipsky from Mr.

1 2 lzmch

2 Walter E. Gwinn. That portion reads as follows:

3 "However, I have talked to several officials and
4 have encouraged them to begin discussions with the
5 State officials."

6 The next is a letter, again from Mr. Gwinn to
7 Mr. Lipsky, dated July 25, 1972, and those portions read
8 as follows:

9 "I have been discussing certain matters with
10 the people in the city today, and they plan to have a
11 discussion with Mr. Dillon when he comes back from
12 vacation."

13 I think, your Honor, Mr. Edwards and I agree that
14 the Mr. Dillon referred to throughout some of these letters
15 is a Mr. Frank Dillon who at that time was the head of the
16 Homicide Bureau in the Nassau County District Attorney's
17 Office and not Mr. Dennis Dillon, who is presently the
18 new district attorney of Nassau County.

19 MR. EDWARDS: That is correct, your Honor.

20 MR. WALL: Continuing:

21 "I fell that we will be able to move rather
22 rapidly towards a solution to your problem once contact is
23 made with Mr. Dillon."

24 The next item is a letter from Mr. Gwinn to
25 Mr. Walter Phillips, United States Attorney's Office,

1 3 lzmch

2 U. S. Courthouse, Foley Square, re: Barry Glen Lipsky,
3 and the portion reads:

4 "After our conference with Judge Kelly" --
5 who was a county judge in Nassau County, your Honor --
6 "After our conference with Judge Kelly, I had a lengthy
7 discussion with Mr. Lipsky and I informed him of the
8 judge's inclination to sentence him to fifteen years if
9 the State agreed to charge him with manslaughter.
10 Incidentally, the Court also took under advisement my motion
11 to dismiss. I am writing to you in view of Judge Kelly's
12 further statement that he would reconsider the fifteen-year
13 sentence and consider a five-year sentence that I had
14 suggested, if the agents of the United States Government
15 were 'persuasive.' Mr. Lipsky told me that he believes
16 that fifteen years is not a fair sentence in view of the
17 facts and circumstances of the case, and he asked me to
18 request some assistance from the Government before the
19 Court and after the next conference, if the judge does not
20 change his mind, Mr. Lipsky has then instructed me to
21 prepare the motion to suppress and to set the case for
22 trial. Mr. Dillon is to notify me by August 22nd as to
23 whether or not Mr. Cahn would agree to a change from the
24 charge of murder to that of manslaughter. It is really
25 amazing that this decision could not be reached within six

1 4 lzmch

2 months."

3 MR. EDWARDS: Your Honor, perhaps it would be
4 appropriate for you to explain who Mr. Cahn is.

5 MR. WALL: Mr. Cahn was the former district
6 attorney of Nassau County, then acting as district attorney
7 pending the proceedings against Mr. Lipsky.

8 Continuing:

9 "Therefore, it appears that the time has
10 arrived when the Government, through its agents, must do
11 whatever it can to assure some sort of justice. Mr.
12 Lipsky has given me a list of people that he has asked to
13 come to the next conference to be present during the
14 discussions with the judge, in private and in his chambers.
15 Mr. Lipsky informs me that he has been taken from the
16 State institution to the Federal Building on more than a
17 dozen occasions. He has asked me to ask you to have the
18 following men appear and give the judge the benefit of
19 their opinions and the value" -- I think it should be
20 "on the value" -- "of the services rendered by Barry
21 Glen Lipsky. They are as follows:

22 "1. Yourself, Walter Phillips.

23 "2. Mr. Joe Lore.

24 "3. Mr. Gary Feffer.

25 "4. Mr. Benjamin.

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2 "5. Mr. Joe Salvemini.

3 "6. Mr. John Walker.

4 "7. Agent Roques.

5 "8. Agent Pons.

6 "9. Agent Dombrosie.

7 "It would also be helpful if Mr. Mollo or Mr.
8 Morville or even the District Attorney himself,
9 could find time to come to this conference."10 Your Honor, Mr. Mollo was, I believe, the Chief
11 Assistant United States Attorney at the time. Mr. Morville
12 was the chief of the Criminal Division, and the District
13 Attorney himself, I believe refers to Whitney North
14 Seymour, Jr.

15 MR. EDWARDS: That is correct, your Honor.

16 MR. WALL: The next item, your Honor, is a letter
17 from Mr. Gwinn to Mr. Lipsky dated August 29, 1972; the
18 portion we have agreed upon reads as follows:19 "In any event, Mr. Morville and Mr. Phillips are
20 scheduled to have a conference with Mr. Cahn on
21 September 8th. They have asked that I wait until that
22 meeting is held before I proceed any further. However, I
23 have decided that if there is nothing forthcoming from
24 the conference on the 8th day of September, then I intend
25 to file my demand for a speedy trial and also request a

1 6 lzmch

2 hearing on the motion to suppress the statements that
3 were taken from him."

4 The next letter, your Honor, is a letter from
5 Mr. Gwinn to Mr. Lipsky dated September 12, 1972. The
6 pertinent portion reads as follows:

7 "The negotiations between the U. S. Attorney's
8 Office and Mr. Cahn have broken down completely. Therefore,
9 I have prepared my motion to suppress the statements taken
10 from you. I have also asked the judge for a ruling on my
11 motion to dismiss. I am also asking for a hearing date
12 prior to trial. I will write you next Monday and give you
13 full details. Mr. Phillips and the others did all that
14 they could, but they have no jurisdiction over Mr. Cahn,
15 so I am going to prepare your case for trial."

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1 mmh 1 Lipsky-cross

T2 2 MR. WALL: The next item, your Honor, is a letter
3 from Mr. Gwinn to Mr. Lipsky dated October 30, 1972, and
4 the pertinent portion reads:

5 "I also plan to discuss your tax matters today
6 with Mr. Betz and have requested a conference with the
7 Internal Revenue Service which has been granted here in
8 Miami. The date and time will be determined later."

9 I might say, your Honor, Mr. Betz was at the time
10 of the writing of this letter the head of the Joint Task
11 Force operating out of the Southern District of Florida
12 located in Miami.

13 MR. EDWARDS: That is correct, your Honor.

14 MR. WALL: The next letter, your Honor, is from
15 Mr. Lipsky to Mr. Gwinn dated Friday, November 30, 1972.
16 It reads as follows:

17 "Dear Mr. Gwinn:

18 I received just now your letter of 10/30/72.
19 I also received last week your demand for a speedy trial
20 and also your reply to the Internal Revenue Service people.
21 In the demand for a speedy trial, it stated that I've been
22 in this jail since March 4, 1972. Actually, I was placed
23 in here on Friday, March 3, 1972, if it makes any difference.
24 I am here eight months today. Also, your last two letters
25 to me have gotten to me unopened; opened only by me. The

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2 letter from you is informative of what you are doing;
3 but of course I have no way of knowing what the D.A.'s
4 office is going to do or not do. I'd like to ask you if
5 that person whom we discussed on the phone in September
6 will be able to be of any helpful assistance to you if
7 and when the motion to suppress comes up. Why do you
8 believe they are continuing to let me lay and rot here
9 and not bring the case to court? Is there any time limit
10 that you know of which they are forced by the law to operate
11 under? You said in a previous letter that D.A. Cahn's
12 office was trying to prohibit your hearing -- can you get
13 the hearing anyway? I am thinking that Mr. Cahn may want
14 more big TV and newspaper headlines from this case and
15 at my expense, and also that since he would not cooperate
16 with the federal authorities in my behalf he now is going
17 to try to 'get back at them' through me, because of their
18 efforts to try to help me out.

19 "About the federal people and the two or more
20 cases I am involved in with them, do you know if they plan
21 to continue to pursue those two cases along with me? You
22 mentioned Mr. Betz in your letter. Laying here as I do, I
23 realize that I have certain information about past criminal
24 acts by persons in the south Florida area which I have
25 completely forgotten about. I will tell you about this at

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2 a later time. About the dolphins, they are the one bright
3 thing I can identify with at this time. One game at a time,
4 but so far so good! Mr. Gwinn, if any dates are set for
5 your hearing or anything else important arises, I'd appreciate
6 your letting me know about it.

7 "Sincerely,

8 Barry Lipsky."

9 The next, your Honor, is a letter from Mr. Lipsky
10 to Mr. Gwinn dated Friday, December 22, 1972, and the
11 pertinent portion reads as follows:

12 "I now believe that my position with regard to
13 whether or not the authorities at the Federal Court now
14 want to aid me is very much weaker."

15 The next, your Honor, is a letter from Mr. Lipsky
16 to Mr. Morvillo, who has already been identified as the
17 head of the Criminal Division in the United States Attorney's
18 office in the Southern District, and the pertinent portion
19 of it reads:

20 "I will close this letter here, but I want to let
21 you know that I do appreciate all that you and Mr. Phillips
22 have tried to do to help me out with the Nassau D.A.'s office,
23 even though Mr. Cahn has been very uncooperative."

24 The next, your Honor, is a letter dated January 2,
25 1973, from Mr. Gwinn to Mr. Lipsky, the pertinent portion

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2 reading as follows:

3 "I, nevertheless, expect them to 'help' if they
4 are ever given a chance to do so."

5 And continuing:

6 "Therefore, do not be concerned about what the
7 government can do for you. I have no doubt that all of
8 these gentlemen would come forward any time I need them."

9 The next, your Honor, is a letter dated Thursday,
10 February 15, 1973, from Mr. Lipsky to Mr. Gwinn. The
11 pertinent quotations from it are:

12 "The federal government wants me to 'hand them'
13 Pacelli's head on a silver platter, but they don't want
14 to do anything for me very much in return."

15 The next:

16 "In my estimation from what I am doing for the
17 government, I should never be forced to go to prison."

18 Finally:

19 "Mr. Lore asked me for some information about
20 myself recently to enable the government to pay me money
21 for the information I had given them. No amounts were
22 mentioned."

23 The next letter, your Honor, is dated July 17, 1973.
24 It's a letter to Mr. Gwinn from Mr. Lipsky, and the pertinent
25 portions read:

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2 "I am very confused as to when exactly I will
3 be eligible to go to a Parole Board, but I will try to
4 get Bobby Bauman and to tell me how the N.Y. law reads."

5 The record ought to indicate that Bobby Bauman
6 is Robert Bauman, who is local counsel in Nassau County
7 to Gwinn.

8 MR. EDWARDS: That is right.

9 MR. WALL: "I also hope you will plan to continue
10 to represent me until the time comes that I am paroled.
11 I'll also keep in contact with Walter Phillips, because I
12 believe that I'll need him to go to bat for me, in order
13 or me to make progress in this matter."

14 And finally, your Honor, a letter dated Sunday,
15 July 22, 1972, from Mr. Lipsky to Mr. Gwinn, the pertinent
16 portion reading:

17 "At this point since being sentenced as I am,
18 I believe very strongly that it is going to be up to the
19 efforts of Mr. Phillips and maybe Mr. Betz, how soon I can
20 obtain a parole."

21 And continuing:

22 "That Mr. Phillips can and did far more than what
23 I thought he was going to do. So, therefore, it is again
24 Mr. Phillips who can help me to get out."

25 I think, your Honor, that completes those matters

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2 which Mr. Edwards and I have agreed upon.

3 THE COURT: All right.

4 CROSS EXAMINATION CONTINUED

5 BY MR. DUKE:

6 Q Mr. Lipsky, on March 2, 1972, you were interviewed
7 by and interrogated by a number of state and federal law
8 enforcement officials? Is that correct?

9 A That is correct.

10 Q Did you ultimately give them a signed, written
11 statement concerning the Parks murder?

12 A I did.

13 Q Did you also answer questions put to you by Mr.
14 Scaring, an assistant state's attorney, on March 3, 1972?

15 A I did.

16 Q And those were stenographically taken down?
17 Was somebody there with a machine taking down the questions
18 and answers?

19 A That is correct.

20 Q Did you also testify concerning the Parks murder
21 before a federal grand jury in this courthouse?

22 A I did.

23 Q On January 31, 1973?

24 A I think that was the date.

25 Q Did you tell the truth in these three statements?

2 A Yes, I told the truth in those statements.

3 Q Showing you something marked 3506, do you recognize
4 that as your grand jury testimony?

5 A Yes, I believe so.

6 Q And 3508, is that the statement you gave to Mr.
7 Scaring on March 3, 1972?

8 A Yes, I think so.

9 Q I am showing you 3531A, except for the blocked
10 out portion, is that the statement that you gave to the
11 authorities on March 2, 1972?

12 MR. EDWARDS: Your Honor, may we approach for
13 a moment on this?

14 THE COURT: Yes.

15 Q (Continuing) Mr. Lipsky, I show you Exhibit 3550B,
16 is that the full statement that you made to Nassau County
17 and federal authorities on March 2, 1972?

18 A Mr. Duke, that statement was taken down in long-
19 hand. This is a transcription, I believe, of that statement.

20 Q Is that an accurate transaction of the longhand
21 statement you referred to?

22 A Yes, sir.

23 Q Does it bear your signature in several places?

24 A Yes.

25 Q Was this statement given to Sergeant Bonora of

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2 Nassau County?

3 A The written statement?

4 Q Yes.

5 A Yes.

6 Q And was Detective Robert Walker also present?

7 A Robert Walker?

8 Q R. Walker.

9 A I believe he was in the room. I am not a hundred
10 per cent sure. I believe he was in the room also.

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2 Q Mr. Lipsky, did you at any time believe before
3 it actually happened that Miss Parks would be killed?

4 A Would you clarify your question for me, please?

5 Q When you left Mr. Pacelli's apartment on the
6 morning of February 4th, did you believe that he intended
7 to kill Patsy Parks?

8 A Yes.

9 Q Did you tell Mr. Scaring on March 3, 1972,
10 Page 50, "... I didn't really believe that he was going
11 to kill this girl"?

12 A I think I may have said that in the statement,
13 Mr. Duke, but there was a point --

14 Q Just, please, answer my questions.

15 A The answer to your question -- would you read
16 the question back?

17 Q Did you tell Mr. Scaring, "I didn't really believe
18 that he was going to kill this girl"?

19 A I told him that.

20 Q When you got into the car with Mr. Pacelli and
21 Patsy Parks after you left the Hippo for the second time,
22 did you, yourself, intend Patsy Parks to be harmed?

23 A Do you mean did I intend to kill her, myself?

24 Q Did you intend her any harm?

25 A Can you be more specific with your question?

1 2 lzmch Lipsky-cross

2 Q Did you testify in August of this year -- of
3 last year, in Florida?

4 A Yes.

5 Q And were you asked this question and did you
6 give this answer --

7 MR. EDWARDS: May we have the page?

8 MR. DUKE: Page 181.

9 Q "Q Anyway, you told them about the murder of this
10 girl. Anyway I think you said that you didn't intend her
11 any harm when you went in the car and she was murdered.

12 A That's true."

13 Were you asked that question and did you give
14 that answer?

15 A Yes.

16 Q And were you under oath then?

17 A Yes.

18 Q Did you ever have any intent that Patsy Parks
19 be harmed in any way, Mr. Lipsky?

20 A After I was in the car with Pacelli --

21 Q Can you answer the question I put to you, Mr.
22 Lipsky?

23 A The answer is yes.

24 Q When did you intend for Miss Parks to be harmed?
25 When did that intention --

1 3 lzmch

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2 A When --

3 Q -- enter your mind?

4 A When Pacelli told me to go in and buy the gasoline
5 for the purpose of burning up her body.6 Q At that time you intended for her to be burned
7 alive -- burned up; is that right?8 A I don't know if that was going to happen. I
9 didn't know if that was going to happen.

10 Q Did you intend for it to happen?

11 MR. EDWARDS: Your Honor, I think the question is
12 unduly ambiguous. Perhaps he could clarify what he means
13 by the word "intend."14 MR. DUKE: I think everybody in the courtroom
15 knows what "intend" means, your Honor.16 MR. EDWARDS: Not in this context. I think it
17 is perfectly obvious there is an ambiguity here.18 THE COURT: If I recall correctly, the witness
19 said a few moments ago that he expected it to happen.

20 Is that right?

21 MR. DUKE: I don't recall that.

22 THE COURT: Well, perhaps not.

23 I'll allow the question.

24 MR. DUKE: Would you read back the question,
25 Mr. Reporter?

1 4 lzmch

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2 (Question read)

3 A As I just got done telling you, after I was
4 instructed to buy the gasoline, which I did, I thought there
5 was a good possibility that some harm would come to her.

6 Q Mr. Lipsky, did you intend harm to her?

7 MR. EDWARDS: I am objecting, your Honor, as
8 it seems to me his answer is clear, and the question is
9 ambiguous.

10 THE COURT: I will sustain the objection.

11 Q Mr. Lipsky, did you write a letter to your
12 attorney on January 17, 1973, to Mr. Gwinn?

13 A You have to show me the letter, Mr. Duke.

14 MR. DUKE: This is a letter bearing X-93.

15 Q Showing you X-93, Mr. Lipsky --

16 MR. EDWARDS: Your Honor, I'm sorry. That's
17 not a number in this case. May we have it marked for
18 identification?

19 THE COURT: We will have it deemed marked for
20 identification as the next letter.

21 MR. EDWARDS: Here comes the clerk, your Honor.

22 THE COURT: We're saved.

xxx

23 (Defendant's Exhibit U was marked for identi-
24 fication.)

25 Q Showing you Exhibit U for identification, would

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2 you look at that portion, please?

3 Did you tell your attorney, Mr. Lipsky, that
4 you had no intent for Patsy Parks to be harmed in any way?

5 A Yes, I did.

6 Q Were you lying to your attorney?

7 A Yes, I was.

8 Q This is two days after you pled guilty to
9 the manslaughter of Patsy Parks?

10 A Yes, I think that's the correct date.

11 Q When, Mr. Lipsky, in this chronology of this
12 story did you decide that you wanted to help kill Patsy
13 Parks?

14 MR. EDWARDS: Objection to form, your Honor.

15 THE COURT: Yes, sustained.

16 Q Did you decide at some point to help kill Patsy
17 Parks?

18 A I followed the instructions that I was given by --

19 Q The question, Mr. Lipsky --

20 MR. EDWARDS: Your Honor, I think that answer is
21 responsive.

22 MR. DUKE: I move that it be stricken.

23 MR. EDWARDS: I think he ought to be allowed to
24 answer it.

25 THE COURT: I don't think it's responsive.

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2 I'll strike it.

3 Can you ask the question again --

4 Or, Mr. Reporter, can you read it back?

5 MR. DUKE: Mr. Reporter, would you read it back,
6 please?

7 (Question read)

8 Q Yes or no.

9 A Yes.

10 Q When, in point of time, did you decide that?

11 A When Pacelli told me to go in and buy the gasoline
12 for the purpose of burning up her body.13 Q What time did you meet Febre at the Hippopotamus
14 on the night of February -- the night of February 3rd,
15 the morning of February 4th?16 A When I first walked in. When I first entered
17 around 11:30, a quarter to 12:00, somewhere in that area.18 Q Were you sitting at the table with Febre when
19 Patsy Parks walked in?

20 A Yes.

21 Q And Febre told you to talk to Patsy Parks; is that
22 correct?

23 A Yes.

24 Q Did he say you could handle it, you could handle
25 the matter with Parks?

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2 A Did he say that?

3 MR. EDWARDS: To whom, your Honor?

4 MR. DUKE: To Mr. Lipsky.

5 A I don't remember his saying that I could handle
6 it, but I remember him saying she wants to talk -- go and
7 talk to her. She wants to talk to you. She wants to
8 talk to you, go and talk to her.9 Whereupon I said I have nothing to talk to her
10 about.11 Then he urged me strongly to go and talk to her.
12 He said it was important.

13 Q Why didn't you want to talk to her?

14 A I had no reason to talk to her. I had never
15 spoken with her much before, other than to say hello and
16 good-bye. We weren't friend. I just -- just passing
17 acquaintances. I had seen her at his wedding. She always
18 seemed to have a problem of some sort. I just didn't
19 feel like getting up from where I was and going over to talk
20 to her.

21 Q Even though she was visibly upset?

22 MR. EDWARDS: Objection, your Honor.

23 THE COURT: Sustained.

24 Q Before Patsy Parks walked into the Hippopotamus
25 that night, you knew that she had given grand jury testimony

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2 in a narcotics case, didn't you?

3 A I had heard bits and pieces of different conver-
4 sations where her name was mentioned in connection with
5 something about a grand jury and a box; her name along
6 with other names.

7 Q You knew that she testified, you had heard
8 that she had testified about a box in connection with a
9 narcotics case?

10 A To my best memory, as I have just repeated to
11 you, I had heard bits and pieces of different conversations
12 about her and other people concerning a box and a narcotics
13 arrest of Pacelli and grand jury testimony, or a grand jury
14 appearance.

15 Q Did you discuss that with her at the Hippopotamus?

16 A Discuss which?

17 Q That information that you had prior to her walking
18 in.

19 A As I said here Tuesday, I think it was, or
20 Wednesday, she told me that two men had been to her
21 apartment with a subpoena with her name and Pacelli's name
22 on it --

23 Q Mr. Lipsky --

24 MR. EDWARDS: Your Honor --

25 THE COURT: I think that question you can answer

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2 yes or no, Mr. Lipsky. The question was, did you discuss
3 it with her.

4 Read it back, Mr. Reporter.

5 (Question read.

6 MR. EDWARDS: Your Honor, may we approach on this?

7 THE COURT: Yes.

8 (At the side bar)

9 MR. EDWARDS: Your Honor, I am not suggesting
10 that it is intentional; however, I do believe that
11 questions are being put to the witness which are ambiguous
12 and that this is an example. It appears to me that that
13 question is difficult to understand because Lipsky has
14 testified that he discussed the subpoena with Patsy Parks
15 concerning the box and so forth. The question is not
16 clear as to whether is really asking did Lipsky and Patsy
17 Parks discuss the matter of the grand jury testimony and
18 the box, or does the question mean did Lipsky and Patsy
19 Parks discuss the fact that Lipsky had heard about it
20 previously.

21 I don't know which the question means. I don't
22 see how Lipsky could. I would request, your Honor -- may
23 I make a request, your Honor? I think the witness should
24 be told that if he is unable to answer a question accurately
25 either yes or no, he should say that he is unable to answer

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2 the question accurately yes or no.

3 THE COURT: All right, I will do that.

4 I think on this one, I suppose the question could
5 be clarified, Mr. Duke. I think the question is intended
6 to mean, "did you discuss with Patsy the bits and pieces,"
7 but let's do the question again.

8 MR. EDWARDS: Would your Honor instruct the
9 witness?

10 THE COURT: Yes.

11 (In open court)

12 THE COURT: Mr. Lipsky, if you can answer a
13 question yes or no, you should do so.

14 However, if you cannot answer the question yes
15 or no, either because you don't understand the question
16 or for any other reason, you can make that clear.

17 Q Mr. Lipsky, had you -- before Patsy Parks
18 walked into the Hippopotamus, had you heard that she had
19 been to the grand jury about something involving a box
20 of money or a box of something else, and she had some
21 certain knowledge concerning a case, a criminal case, had
22 you heard that --

23 MR. EDWARDS: Asked and answered, your Honor.

24 THE COURT: Yes, I think so.

25 Sustained.

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2 Q Did you discuss with Patsy Parks on the night
3 of -- on the morning of February 4th in the Hippopotamus,
4 the box?

5 A I think we did, to the best of my memory, but
6 I can't be a hundred percent sure.

7 Q Did you discuss her having testified to the grand
8 jury concerning the box?

9 A That's possible that that was discussed with she
10 and I, but I don't recall that, that being said, but it's
11 possible it was said. I don't we discussed that grand
12 jury at that time.

13 Q This glimpse of conversation or gossip concerning
14 the box and the grand jury testimony, did that gossip
15 occur in the Hippopotamus?

16 A You mean the previous knowledge?

17 Q Yes.

18 A No, I don't think it occurred in the Hippopotamus.

19 Q Did any of it occur in the presence of Benny
20 Febre?

21 A I don't recall any of that being said in front
22 of Benny Febre.

23 Q Did the conversations concerning this matter
24 occur in night clubs?

25 A No, not that I recall.

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2 Q Discotheques?

3 A Not that I recall.

4 Q Did any of these conversations occur in the
5 presence of Frank Serrano?

6 A They may have, but I'm not sure.

7 9 What is your best recollection?

8 A I just gave you the best answer I can give you.
9
I'm not sure.

10 Q Mr. Lipsky, when you say something may have
11 happened, what do you mean?

12 MR. EDWARDS: Objection, your Honor.

THE COURT: Sustained

14 Q Mr. Lipsky, I want to ask you if Mr. Scaring
15 on March 3, 1972 asked you these questions and if you
16 gave these answers.

17 MR. NESLAND: Page, please?

18 MR. DUKE. 50

19 Q "Q Mr. Lipsky, why did you do all this on his
20 behalf or Racelli's behalf?

21 "A Because I didn't really believe that he was going
22 to kill this girl. I didn't go up and take him out of
23 his house in the knoewledge that he was going to kill this
24 girl.

25 "Q Well, let me stop you there. Why did you go up

1 13 1zmch

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2 to his house at that hour of the morning, based on the
3 conversation that you had?

4 "A Because she told me she needed to see him and
5 I guess I wasn't thinking. I know I wasn't thinking clearly.
6 And to go up to his house, but she told me it had to do with
7 his case and it was a subpoena and she thought he should
8 know about it, and nobody knew how to reach him, and so --

9 "Q Well, didn't you have the telephone number?

10 "A He doesn't have a phone.

11 "Q Couldn't you tell her where he lived?

12 "A No. He was very particular that nobody should
13 know where he lived.

14 "Q But why, because of this particular girl, why would
15 you go up at that particular time of night? Why didn't
16 you tell her to wait till the morning?

17 "A Don't know exactly why. I didn't tell her to wait
18 till the morning, but I knew that there had -- I had heard
19 some glimpses of conversations in the past that this girl
20 had been to the Grand Jury about Pacelli and it was
21 something involving a box of money or a box of something
22 else, and she had some certain knowledge that he would want
23 and he was having some kind of case, he had some type of
24 case, criminal case coming up.

25 "Q Where had you heard all this information?

1 14 1zmch

Lipsky-cross

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2 "A Just in idle gossip in the last, you know --

3 "Q What was your relationship to Pacelli that you
4 felt that you had to get involved in something like this?5 "A I met him through his wife, who I had met through
6 his girl, Margie Jacklone, and then he got married, he was
7 getting married in St. Patrick's Cathedral and I was living
8 downtown at the time with this friend of mine, Benny Febre,
9 and he said to me he doesn't have the head to conduct
10 a wedding of the type he wants to throw for her people.
11 He made the wedding, not -- not his wife's people, out
12 of Detroit.13 "He -- he made the wedding. He said, 'I want
14 to have a real nice wedding and I know you know how to do
15 this type of thing.' This was an original come-together.
16 This was the -- this was the original way I began to -- to
17 know him a little bit.18 "Q Well, what other kind of relationship did you
19 have other than this kind of business relationship?20 "A I used to go out at night at different times
21 and I would go out and I'd see him out in the discotheques
22 and the place Directoire, where people used to go, you
23 know, dance and drink, and I saw him around and he was a
24 very quiet, mild-mannered guy, never bothered anybody,
25 never, quiet, sat still, and we used to just speak.

1 15 1zmch

Lipsky-cross

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2 "Q Mr. Lapsky, Mr. Lipsky, I'm sorry. Quite
3 candidly, you've told us very specifically that when you
4 spoke with Pacelli at his house concerning Patsy Parks,
5 he indicated to you at that time, and you accepted it and
6 you believed it, that he was going to kill the girl, that
7 he indicated he was going to kill Patsy Parks.

8 "A Yes, sir.

9 "Q That he then stopped the car and got gasoline
10 for the purposes of doing away with the body, and he set
11 forth of plan of action where you were to participate in
12 getting her out to the car and participate in everything,
13 other than the actual stabbing.

14 "A That he was going to do it, right.

15 "Q Of the woman. Now, what kind of a relationship
16 did you have with this man that you would get yourself
17 involved in that kind of a situation?

18 "A I just -- I didn't have any, really. I guess
19 I had a close relationship with him but it was born by
20 his -- by his, you know, by his way of thinking, I guess.
21 He thought I could -- he could trust me.

22 "I had some trouble in Florida in the past with a
23 case involving stocks and bonds, which he knew some of the
24 participants, and I had gotten convicted of conspiracy
25 and got a -- my sentence was three years' probation, and

1 16 1zmch

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2 he knew about that, and he had heard about that through
3 some people down in Florida and through myself.

4 "And mainly it was the wedding that I got friendly
5 with him about."

6 A I can't hear what you said.

7 Q "And mainly it was the wedding that I got friendly
8 with him about.

9 "Q Now, my point is, Mr. Lipsky, you knew that he
10 was going to commit a murder and he was asking you to
11 participate.

12 "A When I was in the car he was talking to the girl
13 about -- about sending her away and he lulled me to sleep,
14 and I really thought at the time that he -- even after
15 he bought the gas, I didn't -- I thought he was going to,
16 you know, talk to her.

17 "I thought he was going to talk to her, and then
18 if he didn't, you know, I didn't know whether he was going to
19 go through with this or not. He bought the gas but he
20 didn't have to go and do it. And then he went ahead and was
21 talking to her about -- about going away and giving
22 her a bunch of money to go away with and -- and then he
23 just -- he was just lulling me to sleep also, 'cause
24 he didn't have any --"

25 Were you asked those questions and did you give

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2 those answers, Mr. Lipsky?

3 A Yes, I did.

4 Q "Q Mr. Lipsky, when he got out of the car, when
5 he gave you the ultimate signal that you were to drive the
6 car, at that point there was no doubt in your mind that
7 he was going to kill her?

8 A No, that's when I didn't watch.

9 Q But at that point you're still talking about the
10 fact that he was going to commit a murder. Now, your
11 relationship does not seem to be that type that you would
12 want to get involved in such a situation."13 MR. EDWARDS: Your Honor, just for clarification,
14 since he is reading from this paper, I assume the portions
15 he is reading he is offering in evidence. And I have no
16 objection.

17 THE COURT: I assume so.

18 Q When I was interrupted, I think I was reading
19 this question:20 Q But at that point you're still talking about the
21 fact that he was going to commit a murder. Now, your
22 relationship does not seem to be that type that you would
23 want to get involved in such a situation.24 A I -- my wrong move was going up to his house
25 in the first place that night.

1 18 lzmch

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2 "Q Were you in any way involved in the criminal
3 prosecution?

4 "A No, sir.

5 "Q Were you in any way involved in the investigation
6 or the matter which he was indicted for?

7 "A Not one bit whatsoever.

8 "Q Did you know anything about it?

9 "A Just very, very sketchy.

10 "Q Well, did you have any criminal activity or any
11 participation with him in any criminal activity other than
12 this marriage?

13 "A No, I did not.

14 "Q With respect to the incident that you had in
15 Florida with the stolen stocks and bonds?

16 "A Yes, sir.

17 "Q Was he involved in that at all?

18 "A No, I did not know this man at that time.

19 "Q Did he have anything, did he threaten you at
20 any time, or did he have anything over you?

21 "A No, he never threatened me. Very mild-mannered,
22 very quiet."

23 Were you asked those questions and did you give
24 those answers?

25 A I did.

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T4 2 Q Mr. Lipsky, when you arrived at Pacelli's apartment
3 when you say you went up there that night, were the lights
4 on in the house? In the apartment?

5 A Yes.

6 Q Was somebody in the bedroom?

7 A Yes.

8 Q Were the lights on in the bedroom?

9 A You mean when I was outside?

10 Q Yes, before you threw the pebbles on the bedroom
11 window.

12 A I don't know if there was someone in the bedroom
13 before I threw the pebbles or not, but when the curtains
14 opened just after I threw the pebbles there were people
15 in the bedroom.

16 Q Were there lights on in the bedroom before you
17 threw the pebbles?

18 A I think so.

19 Q Whom did you see when the curtains opened?

20 A Beverly Pacelli and Ida Bracer.

21 Q Did you tell Mr. Scaring that only Beverly Pacelli
22 appeared in the window?

23 A I'm not sure. I think I did.

24 Q In fact, you didn't mention Ida Bracer at all in
25 any of those statements in Nassau County?

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2 A No, I don't think so.

3 Q And you didn't mention Al Bracer at all in
4 any of those statements, did you?

5 A No.

6 Q When these women appeared at the -- was it a
7 door or a window --

8 A A window.

9 Q Was it a full length window or a short window?

10 A A picture window.

11 Q What kind of clothes were they wearing?

12 A I think Beverly Pacelli had a robe on and Ida
13 Bracer was dressed, I believe.

14 Q Why did you toss pebbles on the window?

15 A To attract their attention to come to the window,
16 because if I had gone to the front door at that time at
17 night and rung the bell it would have alarmed everyone
18 in the apartment, because no one came to the apartment unless
19 they were expected.

b2 20 Q Don't you think it would alarm people to throw
21 pebbles at their bedroom window?

22 A In this case, sir, it would have alarmed a lot
23 more if somebody had just rung a bell at that hour of the
24 night rather than throw pebbles to the window.

25 Q Why didn't you talk to them on the intercom and

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2 say, "This is Barry. Let me in."

3 A I just thought it was better to throw the pebbles
4 at the window and attract their attention that way.

5 Q Do you think that would have alarmed them if
6 you buzzed and said, "This is Barry. I want to see you?"

7 A Maybe not. But I just thought that throwing
8 the pebbles would be a better way of doing it than going
9 around to the front and ringing the bell or the intercom.

10 Q You thought that would alarm them less than
11 saying, "This is Barry Lipsky"?

12 A That is correct.

13 Q They let you in and you went up in the apartment?

14 A I went into the apartment and they let me in.

15 Q Who was there?

16 A Pacelli, his wife, Beverly, Barbara Jalaba,
17 Al Bracer and Ida Bracer, his wife.

18 Q Was Abby Perez there?

19 A I don't recall Abby Perez being there. I don't
20 believe he was there.

21 Q He was there later that night, wasn't he?

22 A The next morning.

23 Q But he was not there the night before? He wasn't
24 there when you first arrived at the apartment?

25 A Not to my knowledge, no, he was not.

